



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 1071

PAG LIN

1 1 Amend the amendment, H=1046, to House File 149 as
1 2 follows:
1 3 #1. Page 1, line 3, after <flag> by inserting <and
1 4 an emblem of the state flag>
1 5 #2. Page 1, after line 3 by inserting:
1 6 <____. Page 1, line 8, after <literature.> by
1 7 inserting <The two emblems shall be in full color,
1 8 shall be centered on the page, and shall each measure
1 9 two and one-half inches square. If the state seal
1 10 appears on the literature, the two emblems shall be
1 11 proportional to the state seal in size.>>
1 12 #3. By renumbering as necessary.

MURPHY of Dubuque
H1046.250 (1) 84
je/rj



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House Amendment 1072

PAG LIN

1 1 Amend House File 149 as follows:
1 2 #1. Page 1, line 6, by striking <Iowa is a
1 3 Right=to=Work State> and inserting <Iowa has some
1 4 of the most skilled and productive members of the
1 5 workforce in the world>

KEARNS of Lee
HF149.259 (1) 84
je/rj



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House File 156 - Introduced

HOUSE FILE

BY KAUFMANN, SCHULTZ,
LOFGREN, MOORE,
PETTENGILL, BAUDLER,
HEATON, L.?MILLER,
FORRISTALL, ALONS,
HUSEMAN, CHAMBERS, and
RAYHONS

A BILL FOR

- 1 An Act relating to the location of a civil jury trial.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1656YH (4) 84
jm/rj



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House File 156 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 602.1219 Civil trial ==== proper
1 2 jurisdiction.

1 3 A civil jury trial shall be held in a county with proper
1 4 jurisdiction over the proceeding, unless there are grounds for
1 5 a change of venue. Venue for a civil jury trial shall not be
1 6 determined based upon the residency of the judicial officer
1 7 presiding over the trial.

1 8 EXPLANATION

1 9 This bill relates to the location of a civil jury trial. The
1 10 bill provides that a civil jury trial shall be held in a county
1 11 with proper jurisdiction over the proceeding, unless there are
1 12 grounds for a change of venue. A civil jury trial shall not
1 13 be held in a county based upon the residency of the judicial
1 14 officer presiding over the trial.

LSB 1656YH (4) 84

jm/rj



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House File 157 - Introduced

HOUSE FILE
BY KAUFMANN and RAECKER

A BILL FOR

1 An Act allowing voters to reject all candidates on general
2 election ballots for certain offices and providing for a
3 special election and for filing deadlines.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1639YH (5) 84
sc/nh



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House File 157 - Introduced continued

PAG LIN

1 1 Section 1. Section 49.37, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. a. Any ballot upon which appears
1 4 the names of candidates for an elective state office or for
1 5 the general assembly shall contain for each of those offices
1 6 an additional line equivalent to the lines on which the
1 7 candidates' names appear and placed at the end of the row or
1 8 column containing the names of the candidates for that office.
1 9 Each such additional line shall contain a voting target whereby
1 10 the voter may express the voter's choice of that line in the
1 11 same manner as the voter would choose a candidate, and the line
1 12 shall read "None of These Candidates".
1 13 b. For purposes of this subsection, "elective state
1 14 office" means the offices of governor and lieutenant governor,
1 15 secretary of state, auditor of state, treasurer of state,
1 16 secretary of agriculture, and attorney general.
1 17 Sec. 2. Section 50.45, Code 2011, is amended to read as
1 18 follows:
1 19 50.45 Canvass public ==== result determined.
1 20 1. All canvasses of tally lists shall be public, and the
1 21 persons having the greatest number of votes shall be declared
1 22 elected, except that if the choice "None of These Candidates"
1 23 receives a simple majority of the total votes cast for that
1 24 office, no person shall be declared elected, and the governor
1 25 shall order a special election and issue a proclamation
1 26 pursuant to section 39.6. The special election shall be
1 27 conducted in the manner provided for in section 69.21.
1 28 2. When a public measure has been submitted to the
1 29 electors, the proposition shall be declared to have been
1 30 adopted if the vote cast in favor of the question is greater
1 31 than fifty percent of the total vote cast in favor and against
1 32 the question, unless laws pertaining specifically to the public
1 33 measure election establish a higher percentage of a favorable
1 34 vote. All ballots cast and not counted as a vote in favor or
1 35 against the proposition shall not be used in computing the



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2 1 total vote cast in favor and against the proposition.
2 2 Sec. 3. Section 50.46, Code 2011, is amended to read as
2 3 follows:
2 4 50.46 Special elections ==== canvass and certificate.
2 5 When a special election has been held to fill a vacancy,
2 6 pursuant to section 69.14, or when a special election has been
2 7 held pursuant to section 69.21, the board of county canvassers
2 8 shall meet no earlier than 1:00 p.m. on the second day after
2 9 the election, and canvass the votes cast at the election. If
2 10 the second day after the election is a public holiday, section
2 11 4.1, subsection 34, controls. The commissioner, as soon as the
2 12 canvass is completed, shall transmit to the state commissioner
2 13 an abstract of the votes so canvassed, and the state board,
2 14 within five days after receiving such abstracts, shall canvass
2 15 the tally lists. A certificate of election shall be issued by
2 16 the county or state board of canvassers, as in other cases.
2 17 All the provisions regulating elections, obtaining tally lists,
2 18 and canvass of votes at general elections, except as to time,
2 19 shall apply to special elections.
2 20 Sec. 4. NEW SECTION. 69.21 Special election ==== general
2 21 assembly and elective state offices.
2 22 1. A special election ordered pursuant to section shall
2 23 be held not less than forty=two and not more than fifty days
2 24 following the date the governor ordered the special election.
2 25 2. a. A political party that had a candidate on the general
2 26 election ballot for the office for which a special election has
2 27 been ordered may nominate another candidate for the office in
2 28 the manner provided for in section 43.78, subsection 1.
2 29 b. Nominations for all other candidates may be made as
2 30 follows:
2 31 (1) For an elective state office, by nomination petition
2 32 signed by not less than one thousand eligible electors of the
2 33 state.
2 34 (2) For senator in the general assembly, by nomination
2 35 petition signed by not less than one hundred eligible electors



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3 1 of the senate district.
3 2 (3) For representative in the general assembly, by
3 3 nomination petition signed by not less than fifty eligible
3 4 electors of the representative district.
3 5 c. A candidate whose name was on the general election ballot
3 6 for the office for which a special election has been ordered is
3 7 disqualified from nomination in the special election.
3 8 3. Nomination petitions must be filed in the office of the
3 9 state commissioner of elections not later than 5:00 p.m. on the
3 10 twenty=fifth day before the special election. Each nomination
3 11 petition must be accompanied by an affidavit executed by the
3 12 candidate in the same form as that provided in section 43.18,
3 13 section 44.3, subsection 2, or section 45.3, whichever is
3 14 applicable.
3 15 4. a. A candidate nominated for an office to be filled
3 16 at the special election may withdraw as a nominee for that
3 17 office on or before, but not later than, the fifteenth day
3 18 before the date of the special election by notifying the state
3 19 commissioner of elections in writing.
3 20 b. If a person who has filed nomination papers with the
3 21 state commissioner as a candidate in the special election dies
3 22 or withdraws on or before the fifteenth day before the special
3 23 election, the appropriate convention of that person's political
3 24 party may designate one additional special election candidate
3 25 for the nomination that person was seeking, if the designation
3 26 is submitted to the state commissioner in writing no later than
3 27 5:00 p.m. on the twelfth day before the date of the special
3 28 election.
3 29 5. Objections to the eligibility of a candidate in the
3 30 special election must be filed pursuant to section 43.24
3 31 not less than nineteen days before the date of the special
3 32 election.
3 33 6. The state commissioner of elections shall certify to the
3 34 commissioner of each county at the earliest practicable time,
3 35 and under separate party headings, the name of each person



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4 1 nominated, the office to which the person is nominated, and the
4 2 order in which the tickets of the several political parties
4 3 shall appear on the official ballot.

4 4 7. The ballots provided for the special election shall not
4 5 contain the designation "None of These Candidates".

4 6 8. The votes cast in the special election shall be canvassed
4 7 and a certificate of election issued in the manner provided
4 8 for in section 50.46. The candidate=elect shall be sworn into
4 9 office immediately following the issuance of the certificate of
4 10 election by the state commissioner of elections.

4 11 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 12 3, shall not apply to this Act.

4 13 EXPLANATION

4 14 This bill provides that general election ballots for
4 15 elective state offices and for the general assembly shall
4 16 include the designation "None of These Candidates" as a choice
4 17 for the voter. Elective state office means governor and
4 18 lieutenant governor, secretary of state, auditor of state,
4 19 treasurer of state, secretary of agriculture, and attorney
4 20 general.

4 21 The bill also provides that if the choice "None of These
4 22 Candidates" receives a simple majority of the votes cast for a
4 23 particular office, a special election shall be ordered for that
4 24 office. The special election is to be held not less than and
4 25 not more than 50 days following the date the special election
4 26 is ordered. New candidates may be nominated by convention
4 27 or by petition. Candidates on the original general election
4 28 ballot are disqualified from nomination as a candidate in the
4 29 special election. Candidates elected at the special election
4 30 are to be sworn in immediately after the state commissioner
4 31 issues the certificate of election.

4 32 The bill may include a state mandate as defined in Code
4 33 section 25B.3. The bill makes inapplicable Code section 25B.2,
4 34 subsection 3, which would relieve a political subdivision from
4 35 complying with a state mandate if funding for the cost of



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5 1 the state mandate is not provided or specified. Therefore,
5 2 political subdivisions are required to comply with any state
5 3 mandate included in the bill.

LSB 1639YH (5) 84

sc/nh



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House File 158 - Introduced

HOUSE FILE
BY KAUFMANN and BAUDLER

A BILL FOR

1 An Act providing for restricted driver motor vehicle
2 registration plates to identify persons driving under a
3 temporary restricted driver's license following a second or
4 subsequent revocation for operating while intoxicated, and
5 providing penalties.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1650YH (3) 84
dea/nh



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House File 158 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.34A Restricted driver
1 2 registration plates.
1 3 1. Upon application to the county treasurer, the owner
1 4 of a motor vehicle subject to registration shall be issued
1 5 restricted driver registration plates at no charge in exchange
1 6 for the regular or special registration plates issued for the
1 7 vehicle under section 321.34. If the application is for a new
1 8 registration, the restricted driver registration plates shall
1 9 be issued in lieu of regular registration plates upon payment
1 10 of the regular annual registration fee for the vehicle.
1 11 2. Restricted driver registration plates, to be designed
1 12 by the department, shall be of a different color than regular
1 13 registration plates and bear a unique series of alphanumeric
1 14 characters so as to be readily identified by peace officers.
1 15 Application for or acceptance of restricted driver registration
1 16 plates constitutes implied consent for a peace officer to stop
1 17 the vehicle bearing the restricted driver registration plates
1 18 at any time. A peace officer who observes the operation of a
1 19 motor vehicle displaying restricted driver registration plates
1 20 may stop the vehicle for the purpose of determining whether the
1 21 driver is operating the vehicle lawfully under a valid driver's
1 22 license.
1 23 3. Restricted driver registration plates expire on the
1 24 same date as the registration plates they replace and shall be
1 25 validated by the county treasurer in the same manner as regular
1 26 registration plates are validated upon payment of the annual
1 27 registration fee for the vehicle.
1 28 4. Except as provided in section 321J.20, subsection 7A,
1 29 upon application by the owner of a motor vehicle, the county
1 30 treasurer shall issue regular or special registration plates,
1 31 under the terms and conditions in section 321.34 and subject to
1 32 applicable fees, in exchange for restricted driver registration
1 33 plates.
1 34 5. It is a simple misdemeanor for a person to do any of the
1 35 following:



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2 1 a. Knowingly disguise or obscure the color of restricted
2 2 driver registration plates.
2 3 b. Knowingly operate a motor vehicle displaying restricted
2 4 driver registration plates that have been disguised or
2 5 obscured.
2 6 Sec. 2. Section 321J.20, Code 2011, is amended by adding the
2 7 following new subsection:
2 8 NEW SUBSECTION. 7A. a. Prior to issuing a temporary
2 9 restricted license under this section to a person whose
2 10 driver's license or nonresident operating privilege has been
2 11 revoked for a second or subsequent time under this chapter,
2 12 the department shall require the surrender of the registration
2 13 plates issued under section 321.34 for the following motor
2 14 vehicles, as identified by the department, which are not
2 15 already legally impounded:
2 16 (1) Any motor vehicle registered to the person whose license
2 17 is revoked, individually or jointly.
2 18 (2) Any motor vehicle for which the person whose license is
2 19 revoked is listed on the certificate of title as the owner or
2 20 co=owner.
2 21 (3) Any leased motor vehicle required to be registered
2 22 under section 321F.8, if the person whose license is revoked is
2 23 listed as the lessee or co=lessee.
2 24 b. The department shall issue restricted driver registration
2 25 plates as provided in section 321.34A in exchange for the
2 26 surrendered plates for each motor vehicle listed under
2 27 paragraph "a".
2 28 c. A registered owner of a motor vehicle issued restricted
2 29 driver registration plates under this subsection shall not
2 30 sell the motor vehicle during the time it is registered with
2 31 restricted driver registration plates unless the registered
2 32 owner applies to the department for consent to transfer title
2 33 to the motor vehicle. If the department is satisfied that the
2 34 proposed sale is in good faith and for valid consideration,
2 35 that the registered owner will be deprived of custody and



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3 1 control of the motor vehicle, and that the sale is not for the
3 2 purpose of circumventing the provisions of this subsection, the
3 3 department may certify its consent to the county treasurer.
3 4 The county treasurer shall then transfer the title to the
3 5 new owner upon proper application and issue new registration
3 6 plates. If the title to the motor vehicle is transferred
3 7 by the cancellation of a conditional sales contract, a sale
3 8 upon execution, or by decree or order of a court of competent
3 9 jurisdiction after the registration plates have been ordered
3 10 surrendered under this subsection, the department shall order
3 11 the title surrendered to the new registered owner. The county
3 12 treasurer shall then transfer the title to the new owner and
3 13 issue new registration plates pursuant to section 321.34. If
3 14 a person holding a temporary restricted license issued under
3 15 this section following a second or subsequent revocation under
3 16 this chapter applies for a new motor vehicle registration of
3 17 a type listed under paragraph "a", the county treasurer shall
3 18 issue restricted driver registration plates for the vehicle
3 19 upon payment of the annual registration fee for the vehicle.
3 20 d. When the period of revocation of the person's
3 21 noncommercial driver's license under this chapter expires, the
3 22 owner of a motor vehicle issued restricted driver registration
3 23 plates under this subsection may apply to the county treasurer
3 24 for regular or special registration plates for the vehicle,
3 25 under the terms and conditions in section 321.34 and subject
3 26 to applicable fees. When satisfied that the period of license
3 27 revocation under this chapter is expired, and upon payment of
3 28 any required fees, the county treasurer shall issue regular or
3 29 special registration plates for the vehicle in exchange for the
3 30 restricted driver registration plates.
3 31 e. A person holding a temporary restricted license issued
3 32 by the department under this section following a second or
3 33 subsequent revocation under this chapter shall not operate a
3 34 motor vehicle other than a motor vehicle displaying restricted
3 35 driver registration plates issued pursuant to section 321.34A



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House File 158 - Introduced continued

4 1 and this section.

4 2 EXPLANATION

4 3 This bill requires the department of transportation to
4 4 design and issue restricted driver motor vehicle registration
4 5 plates, which shall be of a different color than regular
4 6 registration plates and bear a unique set of alphanumeric
4 7 characters so as to be readily identifiable by peace officers.
4 8 Any motor vehicle owner may apply to the county treasurer for
4 9 restricted driver registration plates to be issued in exchange
4 10 for the regular or special registration plates currently
4 11 issued for the vehicle. The restricted driver registration
4 12 plates are to be substituted at no additional charge, but are
4 13 subject to the regular annual registration fee for the vehicle.
4 14 Application for or acceptance of restricted driver registration
4 15 plates constitutes implied consent for a peace officer to stop
4 16 the vehicle displaying the plates at any time, and a peace
4 17 officer may stop such a vehicle to determine whether the driver
4 18 is operating under a valid driver's license.

4 19 The bill prohibits a person whose driver's license or
4 20 nonresident operating privilege has been revoked for a second
4 21 or subsequent time for operating while intoxicated (OWI)
4 22 from operating a motor vehicle under a temporary restricted
4 23 driver's license unless the vehicle displays restricted
4 24 driver registration plates. The bill requires that before
4 25 such a person is issued a temporary restricted license, the
4 26 department shall require the surrender of the regular or
4 27 special registration plates for any motor vehicle registered to
4 28 the person, any motor vehicle for which the person is listed
4 29 as an owner or co=owner, and any motor vehicle for which the
4 30 person is listed as the lessee or co=lessee. Upon surrender
4 31 of the regular or special plates, the department shall issue
4 32 restricted driver registration plates for each such vehicle.
4 33 Any motor vehicle newly registered while the person is driving
4 34 under a temporary restricted license for OWI must also be
4 35 issued restricted driver registration plates in lieu of regular



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5 1 registration plates. A vehicle required to have restricted
5 2 driver registration plates cannot be sold without the consent
5 3 of the department. In addition, the bill permits transfer of
5 4 ownership to a vehicle upon cancellation of a conditional sales
5 5 contract, a sale upon execution, or by decree or order of a
5 6 court.

5 7 The bill provides that an OWI offender with a temporary
5 8 restricted license who was required to have restricted driver
5 9 registration plates may exchange the plates for regular
5 10 or special registration plates when the period of license
5 11 revocation is expired. The owner of a motor vehicle who was
5 12 not required under OWI provisions to display restricted driver
5 13 registration plates but applied for the plates voluntarily
5 14 may exchange the plates at any time for regular or special
5 15 registration plates.

5 16 The bill prohibits a person from knowingly disguising or
5 17 obscuring the color of restricted driver registration plates
5 18 or from knowingly operating a vehicle whose restricted driver
5 19 registration plates have been obscured or disguised. A
5 20 violation is a simple misdemeanor, punishable by confinement
5 21 for no more than 30 days or a fine of at least \$65 but not more
5 22 than \$625 or by both.

5 23 A person holding a temporary restricted license that was
5 24 issued following a second or subsequent revocation for OWI
5 25 who operates a motor vehicle not displaying restricted driver
5 26 registration plates in violation of the bill's provisions
5 27 would be considered to be driving under a revoked driver's
5 28 license. Such an offense is a serious misdemeanor, punishable
5 29 by confinement for no more than one year and a fine of at least
5 30 \$315 but not more than \$1,875. The person is also assessed
5 31 an additional fine of \$1,000 and the period of revocation is
5 32 doubled.

LSB 1650YH (3) 84
dea/nh



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House File 159 - Introduced

HOUSE FILE
BY J. TAYLOR and DEBOEF

A BILL FOR

1 An Act relating to issue advocacy by the department of cultural
2 affairs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1958YH (2) 84
tw/nh



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House File 159 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 303.2A Issue advocacy prohibited.
1 2 1. The department of cultural affairs shall not display or
1 3 promote a historical or cultural exhibit that promulgates an
1 4 ideological point of view unless such an exhibit gives equal
1 5 treatment to the primary countervailing ideological point of
1 6 view.

1 7 2. The department of management shall monitor the
1 8 department's compliance with this section. If the department
1 9 of management determines that the department of cultural
1 10 affairs has not complied, the department of management shall
1 11 report such noncompliance to the governor and the general
1 12 assembly and recommend reduced funding levels for the
1 13 department's next fiscal year.

1 14 EXPLANATION

1 15 This bill requires the department of cultural affairs to
1 16 give equal treatment to different ideological points of view
1 17 when displaying or promoting historical and cultural exhibits.
1 18 The department of management must monitor the department's
1 19 compliance and, if it determines that the department of
1 20 cultural affairs is not in compliance, must report such
1 21 noncompliance to the governor and the general assembly and
1 22 recommend reduced funding levels for the department's next
1 23 fiscal year.

LSB 1958YH (2) 84

tw/nh



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House File 160 - Introduced

HOUSE FILE

BY HAGENOW, WINDSCHITL,
WATTS, LUKAN, DE?BOEF,
HUSEMAN, DOLECHECK,
KOESTER, FRY, PEARSON,
MASSIE, SCHULTZ,
ALONS, FORRISTALL,
TJEPKES, and HANUSA

A BILL FOR

1 An Act concerning driver education instruction by a teaching
2 parent.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1711HH (2) 84
dea/nh



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House File 160 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.178A Driver education ==
1 2 teaching parent.
1 3 1. Teaching parent. As an alternative to the driver
1 4 education requirements under section 321.178, a teaching parent
1 5 may instruct a student in a driver education course that meets
1 6 the requirements of this section and provide evidence that the
1 7 requirements under this section have been met.
1 8 2. Definitions. For purposes of this section:
1 9 a. "Approved course" means driver education curriculum
1 10 approved by the department pursuant to rules adopted under
1 11 chapter 17A. An approved course shall, at a minimum, meet
1 12 the requirements of subsection 3 and be appropriate for
1 13 teaching=parent=directed driver education and related street or
1 14 highway instruction. Driver education materials that meet or
1 15 exceed standards established by the department for an approved
1 16 course in driver education for a public or private school shall
1 17 be approved unless otherwise determined by the department. The
1 18 list of approved courses shall be posted on the department's
1 19 internet site.
1 20 b. "Student" means a person between the ages of fourteen
1 21 and twenty=one years who is within the custody and control of
1 22 the teaching parent and who satisfies preliminary licensing
1 23 requirements of the department.
1 24 c. "Teaching parent" means a parent, guardian, or legal
1 25 custodian of a student who is currently providing competent
1 26 private instruction to the student pursuant to section
1 27 299A.2 or 299A.3 and who provided such instruction to the
1 28 student during the previous year; who has a valid driver's
1 29 license, other than a motorized bicycle license or a temporary
1 30 restricted license, that permits unaccompanied driving; and
1 31 who has maintained a clear driving record for the previous two
1 32 years. For purposes of this paragraph, "clear driving record"
1 33 means the individual has not been identified as a candidate for
1 34 suspension of a driver's license under the habitual offender
1 35 provisions of the department's regulations; is not subject to a



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2 1 driver's license suspension, revocation, denial, cancellation,
2 2 disqualification, or bar; and has no record of a conviction
2 3 for a moving traffic violation determined to be the cause of a
2 4 motor vehicle accident.
2 5 3. Course of instruction.
2 6 a. An approved course administered by a teaching parent
2 7 shall consist of but not be limited to the following:
2 8 (1) Thirty clock hours of classroom instruction.
2 9 (2) Forty hours of street or highway driving including
2 10 four hours of driving after sunset and before sunrise while
2 11 accompanied by the teaching parent.
2 12 (3) Four hours of classroom instruction concerning
2 13 substance abuse.
2 14 (4) A minimum of twenty minutes of instruction concerning
2 15 railroad crossing safety.
2 16 (5) Instruction relating to becoming an organ donor under
2 17 the revised uniform anatomical gift Act as provided in chapter
2 18 142C.
2 19 (6) Instruction providing an awareness about sharing the
2 20 road with bicycles and motorcycles.
2 21 b. The content of the course of instruction required under
2 22 this subsection shall be equivalent to that required under
2 23 section 321.178. However, reference and study materials,
2 24 physical classroom requirements, and extra vehicle safety
2 25 equipment required for instruction under section 321.178 shall
2 26 not be required for the course of instruction provided under
2 27 this section.
2 28 4. Course completion and certification. Upon application
2 29 by a student for an intermediate license, the teaching parent
2 30 shall provide evidence showing the student's completion
2 31 of an approved course and substantial compliance with the
2 32 requirements of subsection 3 by affidavit signed by the
2 33 teaching parent on a form to be provided by the department.
2 34 The evidence shall include all of the following:
2 35 a. Documentation that the instructor is a teaching parent as



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3 1 defined in subsection 2.
3 2 b. Documentation that the student is receiving competent
3 3 private instruction under section 299A.2 or the name of
3 4 the school district within which the student is receiving
3 5 instruction under section 299A.3.
3 6 c. The name of the approved course completed by the student.
3 7 d. An affidavit attesting to satisfactory completion of
3 8 course work and street or highway driving instruction.
3 9 e. Copies of written tests completed by the student.
3 10 f. A statement of the number of classroom hours of
3 11 instruction.
3 12 g. A log of completed street or highway driving instruction
3 13 including the dates when the lessons were conducted, the
3 14 student's and the teaching parent's name and initials noted
3 15 next to each entry, notes on driving activities including a
3 16 list of driving deficiencies and improvements, and the duration
3 17 of the driving time for each session.
3 18 5. Intermediate license. Any student who successfully
3 19 completes an approved course as provided in this section,
3 20 passes a driving test to be administered by the department,
3 21 and is otherwise qualified under section 321.180B, subsection
3 22 2, shall be eligible for an intermediate license pursuant
3 23 to section 321.180B. Twenty of the forty hours of street
3 24 or highway driving instruction required under subsection 3,
3 25 paragraph "a", subparagraph (2), may be utilized to satisfy the
3 26 requirement of section 321.180B, subsection 2.
3 27 6. Full license. A student must comply with section
3 28 321.180B, subsection 4, to be eligible for a full driver's
3 29 license pursuant to section 321.180B.
3 30 Sec. 2. Section 321.180B, subsection 2, paragraph a, Code
3 31 2011, is amended to read as follows:
3 32 a. The department may issue an intermediate driver's
3 33 license to a person sixteen or seventeen years of age who
3 34 possesses an instruction permit issued under subsection 1 or
3 35 a comparable instruction permit issued by another state for a



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House File 160 - Introduced continued

4 1 minimum of six months immediately preceding application, and
4 2 who presents an affidavit signed by a parent, guardian, or
4 3 custodian on a form to be provided by the department that the
4 4 permittee has accumulated a total of twenty hours of street
4 5 or highway driving of which two hours were conducted after
4 6 sunset and before sunrise and the street or highway driving was
4 7 with the permittee's parent, guardian, custodian, instructor,
4 8 a person certified by the department, or a person at least
4 9 twenty=five years of age who had written permission from a
4 10 parent, guardian, or custodian to accompany the permittee, and
4 11 whose driving privileges have not been suspended, revoked,
4 12 or barred under this chapter or chapter 321J during, and who
4 13 has been accident and violation free continuously for, the
4 14 six=month period immediately preceding the application for an
4 15 intermediate license. An applicant for an intermediate license
4 16 must meet the requirements of section 321.186, including
4 17 satisfactory completion of driver education as required in
4 18 section 321.178 or 321.178A, and payment of the required
4 19 license fee before an intermediate license will be issued. A
4 20 person issued an intermediate license must limit the number of
4 21 passengers in the motor vehicle when the intermediate licensee
4 22 is operating the motor vehicle to the number of passenger
4 23 safety belts.

4 24 EXPLANATION

4 25 This bill allows a parent, guardian, or legal custodian who
4 26 is providing competent private instruction to a student to
4 27 teach the student driver education, provided the person has a
4 28 valid driver's license that permits unaccompanied driving and
4 29 has a clear driving record for the previous two years. The
4 30 classroom instruction requirements for the alternative course
4 31 of instruction are substantially the same as for an approved
4 32 course of instruction offered by a public school district or
4 33 private or commercial driver education school, with additional
4 34 requirements for 40, rather than 20, hours of street or highway
4 35 driving including night driving. The course of instruction



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House File 160 - Introduced continued

5 1 must be a course approved by the department of transportation
5 2 by rule and utilize driver education materials that meet or
5 3 exceed standards established for driver education courses
5 4 approved for public or private schools. A list of approved
5 5 courses is to be posted on the transportation department's
5 6 website.
5 7 In order for the student to qualify for an intermediate
5 8 driver's license, the teaching parent is required to document
5 9 substantial compliance with the driver education course
5 10 requirements and furnish an affidavit attesting to the
5 11 student's satisfactory completion of the course work and street
5 12 or highway driving to the department of education.

LSB 1711HH (2) 84

dea/nh



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House Study Bill 50

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act establishing the religious conscience protection Act.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1894YC (5) 84
pf/rj



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House Study Bill 50 continued

PAG LIN

1 1 Section 1. NEW SECTION. 216F.1 Title.
1 2 This chapter shall be known and may be cited as the
1 3 "Religious Conscience Protection Act".
1 4 Sec. 2. NEW SECTION. 216F.2 Exemptions == marriage ==
1 5 solemnization, celebration, treating as valid.
1 6 1. A religious corporation, association, educational
1 7 institution, society, charity, or fraternal organization, or an
1 8 individual employed by such an entity while acting in the scope
1 9 of employment shall not be required to do any of the following
1 10 if doing so would cause such entity to violate the sincerely
1 11 held religious beliefs to which the entity subscribes or such
1 12 individual to violate the individual's sincerely held religious
1 13 beliefs:
1 14 a. Solemnize a marriage.
1 15 b. Treat a marriage as valid.
1 16 c. Provide services, accommodations, advantages,
1 17 facilities, goods, or privileges for a purpose related to the
1 18 solemnization or celebration of a marriage.
1 19 2. a. Except as provided in paragraph "b", an individual,
1 20 sole proprietor, or small business shall not be required to do
1 21 any of the following if doing so would cause the individual
1 22 or sole proprietor to violate the individual's or sole
1 23 proprietor's sincerely held religious beliefs or the small
1 24 business to violate the sincerely held religious beliefs to
1 25 which the small business subscribes:
1 26 (1) Provide goods or services that assist or promote
1 27 the solemnization or celebration of a marriage, or provide
1 28 counseling or other services that directly facilitate the
1 29 perpetuation of a marriage.
1 30 (2) Provide benefits to the spouse of an employee.
1 31 (3) Provide housing to a married couple.
1 32 (4) Provide adoption or reproductive services.
1 33 b. The exemptions provided pursuant to paragraph "a"
1 34 shall not apply if the individual is a government employee
1 35 or official and another government employee or official is



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House Study Bill 50 continued

2 1 not promptly available and willing to provide the requested
2 2 government service without inconvenience or delay. However,
2 3 if the government employee or official is a judicial officer
2 4 authorized to solemnize marriages, the exemption provision
2 5 pursuant to paragraph "a" shall continue to apply.
2 6 c. For the purposes of this subsection, "small business"
2 7 means a legal entity other than a natural person that meets any
2 8 of the following specifications:
2 9 (1) Provides services which are primarily performed by an
2 10 owner of the business.
2 11 (2) Has five or fewer employees.
2 12 (3) If a legal entity providing housing for rent, owns five
2 13 or fewer units of housing.
2 14 3. a. Refusal to provide services, accommodations,
2 15 advantages, facilities, goods, or privileges if in accordance
2 16 with this section, shall not result in either of the following:
2 17 (1) Creation of any civil claim or cause of action against
2 18 any individual or entity acting in accordance with this
2 19 section.
2 20 (2) An action by the state or a political subdivision, under
2 21 any law of the state or a political subdivision, to penalize
2 22 or withhold benefits from any individual or entity acting in
2 23 accordance with this section including but not limited to
2 24 laws regarding employment discrimination, housing, public
2 25 accommodations, educational institutions, licensing, government
2 26 contracts or grants, or tax-exempt status.
2 27 b. This subsection shall not be interpreted to preclude any
2 28 individual or entity acting in accordance with this section,
2 29 who is adversely affected by such action, from utilizing any
2 30 remedy otherwise provided by law.
2 31 4. This section is intended to implement, in part, article
2 32 I, sections 3 and 4 of the Constitution of the State of Iowa,
2 33 and the first amendment to the Constitution of the United
2 34 States.

2 35 EXPLANATION



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House Study Bill 50 continued

3 1 This bill creates the religious conscience protection
3 2 Act. The bill provides exemptions for religious corporations,
3 3 associations, educational institutions, societies, charities,
3 4 and fraternal organizations, and individuals employed by such
3 5 entities while acting in the scope of employment, from any
3 6 requirement to solemnize a marriage, treat a marriage as valid,
3 7 or provide services, accommodations, advantages, facilities,
3 8 goods, or privileges for purposes related to the solemnization
3 9 or celebration of a marriage, if by doing so would cause such
3 10 entity to violate the sincerely held religious beliefs to
3 11 which the entity subscribes or the individual to violate the
3 12 individual's sincerely held religious beliefs.
3 13 Additionally, with regard to an individual, sole proprietor,
3 14 or small business, the bill exempts these entities from any
3 15 requirements of providing goods or services that assist or
3 16 promote the solemnization or celebration of a marriage or
3 17 providing counseling or other services that directly facilitate
3 18 the perpetuation of a marriage; providing benefits to the
3 19 spouse of an employee; providing housing to a married couple;
3 20 or providing adoption or reproductive services, if doing so
3 21 would cause the individual or sole proprietor to violate the
3 22 individual's or sole proprietor's sincerely held religious
3 23 beliefs or the small business to violate the sincerely held
3 24 religious beliefs to which the small business subscribes.
3 25 However, the exemptions do not apply if the individual is a
3 26 government employee or official and another government employee
3 27 or official is not promptly available and willing to provide
3 28 the requested government service without inconvenience or delay
3 29 with the exception of judicial officers authorized to solemnize
3 30 marriage. The bill also defines "small business" for the
3 31 purposes of the bill.
3 32 The bill provides that refusal to provide services,
3 33 accommodations, advantages, facilities, goods, or privileges
3 34 in accordance with the bill shall not result in creation of a
3 35 civil claim or cause of action, or any action by the state or a



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House Study Bill 50 continued

4 1 political subdivision to penalize or withhold benefits from any
4 2 individual or entity exempted under the bill, including but not
4 3 limited to laws regarding employment discrimination, housing,
4 4 public accommodations, educational institutions, licensing,
4 5 government contracts or grants, or tax=exempt status.

4 6 The bill provides that the bill shall not be interpreted to
4 7 preclude any individual or entity acting in accordance with the
4 8 bill who is adversely affected by the action from utilizing any
4 9 remedy otherwise provided by law.

4 10 The bill also states that the bill is intended to implement,
4 11 in part, article I, sections 3 and 4 of the Constitution of the
4 12 State of Iowa, and the first amendment to the Constitution of
4 13 the United States.

LSB 1894YC (5) 84

pf/rj



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House Study Bill 51

HOUSE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act applying criminal trespass provisions to public utility
2 property, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2001YC (2) 84
rn/nh



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House Study Bill 51 continued

PAG LIN

1 1 Section 1. Section 716.7, subsection 2, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. Entering or remaining upon or in public
1 4 utility property without lawful authority or without the
1 5 consent of the public utility that owns, leases, or operates
1 6 the public utility property. This paragraph does not apply
1 7 to passage over public utility right-of-way by an unarmed
1 8 person if the person has not been notified or requested by
1 9 posted signage or other means to abstain from entering onto the
1 10 right-of-way or to vacate the right-of-way.

1 11 Sec. 2. Section 716.7, subsection 3, Code 2011, is amended
1 12 to read as follows:

1 13 3. The term "trespass" shall not mean entering upon the
1 14 property of another for the sole purpose of retrieving personal
1 15 property which has accidentally or inadvertently been thrown,
1 16 fallen, strayed, or blown onto the property of another,
1 17 provided that the person retrieving the property takes the most
1 18 direct and accessible route to and from the property to be
1 19 retrieved, quits the property as quickly as is possible, and
1 20 does not unduly interfere with the lawful use of the property.
1 21 This subsection does not apply to public utility property where
1 22 the person has been notified or requested by posted signage or
1 23 other means to abstain from entering.

1 24 Sec. 3. Section 716.7, Code 2011, is amended by adding the
1 25 following new subsection:

1 26 NEW SUBSECTION. 5A. For purposes of this section,
1 27 "public utility property" means any land, dwelling, building,
1 28 conveyance, vehicle, or other temporary or permanent structure
1 29 owned, leased, or operated by a public utility and that is
1 30 completely enclosed by a physical barrier of any kind. For the
1 31 purposes of this section, a "public utility" is a public utility
1 32 as defined in section 476.1 or an electric transmission line as
1 33 provided in chapter 478.

1 34 Sec. 4. Section 716.7, subsection 6, Code 2011, is amended
1 35 by adding the following new paragraphs:



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House Study Bill 51 continued

2 1 NEW PARAGRAPH. d. Representatives of the Iowa utilities
2 2 board, the federal energy regulatory commission, or the federal
2 3 communications commission who enter or remain upon or in public
2 4 utility property while engaged in the performance of official
2 5 duties.

2 6 NEW PARAGRAPH. e. Employees of a public utility who enter
2 7 or remain upon or in public utility property while acting in
2 8 the course of employment.

2 9 Sec. 5. Section 716.8, subsection 2, Code 2011, is amended
2 10 to read as follows:

2 11 2. Any person committing a trespass as defined in section
2 12 716.7, other than a trespass as defined in section 716.7,
2 13 subsection 2, paragraph "f", which results in injury to any

2 14 person or damage in an amount more than two hundred dollars
2 15 to anything, animate or inanimate, located thereon or therein
2 16 commits a serious misdemeanor.

2 17 Sec. 6. Section 716.8, Code 2011, is amended by adding the
2 18 following new subsection:

2 19 NEW SUBSECTION. 6. Any person who commits a trespass as
2 20 defined in section 716.7, subsection 2, paragraph "f", commits a
2 21 class "D" felony.

2 22 EXPLANATION

2 23 This bill incorporates trespassing onto public utility
2 24 property into the definition of "trespass" provided in Code
2 25 section 716.7.

2 26 The bill defines "public utility property" as any land,
2 27 dwelling, building, conveyance, vehicle, or other temporary
2 28 or permanent structure owned, leased, or operated by a public
2 29 utility and that is completely enclosed by a physical barrier
2 30 of any kind. The bill defines a "public utility" to include a
2 31 public utility as defined in Code section 476.1, which would
2 32 include furnishing gas, electricity, communications services,
2 33 or water to the public for compensation, and an electric
2 34 transmission line as provided in Code chapter 478.

2 35 The bill provides that the term "trespass" includes entering



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House Study Bill 51 continued

3 1 or remaining upon or in public utility property without lawful
3 2 authority or without the consent of the public utility. The
3 3 bill provides an exception for passage over a public utility
3 4 right-of-way by an unarmed person if the person has not been
3 5 notified or requested by posted signage or other means to
3 6 abstain from entering onto the right-of-way or to vacate the
3 7 right-of-way. Similar provisions are contained in Code section
3 8 716.7 with regard to railway property.
3 9 The bill provides that an exception to the term "trespass"
3 10 for entering upon the property of another for the sole purpose
3 11 of retrieving personal property under specified circumstances
3 12 shall not apply to public utility property where the person has
3 13 been notified or requested by posted signage or other means to
3 14 abstain from entering.
3 15 The bill adds the Iowa utilities board, the federal energy
3 16 regulatory commission, the federal communications commission,
3 17 and public utility employees, when acting in the course of
3 18 their official duties, to a list of entities and individuals to
3 19 whom the trespass provisions do not apply.
3 20 The bill provides that any person who violates the bill's
3 21 provisions commits a class "D" felony. A class "D" felony is
3 22 punishable by confinement for no more than five years and a
3 23 fine of at least \$750 but not more than \$7,500.

LSB 2001YC (2) 84

rn/nh



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House Study Bill 52

HOUSE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act relating to the transfer tax imposed on insurers
2 organized in other states who elect to become domestic
3 insurers in Iowa.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2102YC (2) 84
tw/sc



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House Study Bill 52 continued

PAG LIN

1 1 Section 1. Section 508.12, unnumbered paragraph 1, Code
1 2 2011, is amended to read as follows:

1 3 An insurer which is organized under the laws of any state,
1 4 and is admitted to do business in this state for the purpose
1 5 of writing insurance authorized by this chapter may become a
1 6 domestic insurer by complying with section 490.902 or 491.33
1 7 and with all of the requirements of law relative to the
1 8 organization and licensing of a domestic insurer of the same
1 9 type and by designating its principal place of business in this
1 10 state, and, ~~upon payment to the commissioner of insurance of~~
1 11 ~~a transfer tax in a sum equal to twenty-five percent of the~~
1 12 ~~premium tax paid pursuant to the provisions of chapter 432~~
1 13 ~~for the last calendar year immediately preceding its becoming~~
1 14 ~~a domestic corporation or the sum of ten thousand dollars,~~
1 15 ~~whichever is the lesser but not less than one thousand dollars,~~
1 16 may become a domestic corporation and be entitled to like
1 17 certificates of its corporate existence and license to transact
1 18 business in this state, and be subject in all respects to the
1 19 authority and jurisdiction thereof.

1 20 Sec. 2. Section 515.78, unnumbered paragraph 1, Code 2011,
1 21 is amended to read as follows:

1 22 An insurer which is organized under the laws of any state,
1 23 and is admitted to do business in this state for the purpose
1 24 of writing insurance authorized by this chapter may become a
1 25 domestic insurer by complying with section 490.902 or 491.33
1 26 and with all of the requirements of law relative to the
1 27 organization and licensing of a domestic insurer of the same
1 28 type and by designating its principal place of business in this
1 29 state, and, ~~upon payment to the commissioner of insurance of~~
1 30 ~~a transfer tax in a sum equal to twenty-five percent of the~~
1 31 ~~premium tax paid pursuant to the provisions of chapter 432~~
1 32 ~~for the last calendar year immediately preceding its becoming~~
1 33 ~~a domestic corporation or the sum of ten thousand dollars,~~
1 34 ~~whichever is the lesser but not less than one thousand dollars,~~
1 35 may become a domestic corporation and be entitled to like



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House Study Bill 52 continued

2 1 certificates of its corporate existence and license to transact
2 2 business in this state, and be subject in all respects to the
2 3 authority and jurisdiction thereof.

2 4 EXPLANATION

2 5 This bill eliminates the tax imposed on insurance companies
2 6 organized in other states who elect to become domestic insurers
2 7 in Iowa.

LSB 2102YC (2) 84

tw/sc



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House Study Bill 53

HOUSE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act relating to the Iowa communications network by removing
2 waiver provisions applicable to utilization of the network.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2005YC (2) 84
rn/nh



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House Study Bill 53 continued

PAG LIN

1 1 Section 1. Section 8D.9, subsection 2, Code 2011, is amended
1 2 to read as follows:
1 3 2. ~~a.~~ A private or public agency which certifies to the
1 4 commission pursuant to subsection 1 that the agency is a part
1 5 of or intends to become a part of the network ~~shall~~ may use the
1 6 network for ~~all~~ any video, data, ~~and or~~ voice requirements of
1 7 the agency ~~unless the private or public agency petitions the~~
~~1 8 commission for a waiver and one of the following applies:.~~
1 9 (1) ~~The costs to the authorized user for services provided~~
~~1 10 on the network are not competitive with the same services~~
~~1 11 provided by another provider.~~
1 12 (2) ~~The authorized user is under contract with another~~
~~1 13 provider for such services, provided the contract was entered~~
~~1 14 into prior to April 1, 1994. The agency shall use the network~~
~~1 15 for video, data, and voice requirements which are not provided~~
~~1 16 pursuant to such contract.~~
1 17 (3) ~~The authorized user has entered into an agreement~~
~~1 18 with the commission to become part of the network prior to~~
~~1 19 June 1, 1994, which does not provide for use of the network~~
~~1 20 for all video, data, and voice requirements of the agency.~~
~~1 21 The commission may enter into an agreement described in this~~
~~1 22 subparagraph upon a determination that the use of the network~~
~~1 23 for all video, data, and voice requirements of the agency would~~
~~1 24 not be in the best interests of the agency.~~
1 25 b. ~~A private or public agency shall petition the commission~~
~~1 26 for a waiver of the requirement to use the network as provided~~
~~1 27 in paragraph "a", if the agency determines that paragraph~~
~~1 28 "a", subparagraph (1) or (2) applies. The commission shall~~
~~1 29 establish by rule a review process for determining, upon~~
~~1 30 application of an authorized user, whether paragraph "a",~~
~~1 31 subparagraph (1) or (2) applies. An authorized user found~~
~~1 32 by the commission to be under contract for such services as~~
~~1 33 provided in paragraph "a", subparagraph (2), shall not enter~~
~~1 34 into another contract upon the expiration of such contract, but~~
~~1 35 shall utilize the network for such services as provided in this~~



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~~House Study Bill 53 continued~~

~~2 1 section unless paragraph "a", subparagraph (1), applies.~~

2 2 EXPLANATION

2 3 This bill relates to a provision in Code section 8D.9,
2 4 subsection 2, which specifies that a private or public agency
2 5 which certifies to the Iowa telecommunications and technology
2 6 commission that the agency is a part of or intends to become
2 7 a part of the network shall use the network for all video,
2 8 data, and voice requirements of the agency unless the agency
2 9 petitions the commission for a waiver and one of several
2 10 specified conditions or stipulations apply. The conditions
2 11 include that the costs to an authorized user for services
2 12 provided on the network are not competitive with the same
2 13 services provided by another provider, that the authorized
2 14 user is under contract with another provider for such services
2 15 entered into prior to April 1, 1994, or that the authorized
2 16 user has entered into an agreement with the commission to
2 17 become part of the network prior to June 1, 1994, which
2 18 agreement does not require use of the network for all video,
2 19 data, and voice requirements of the agency. The bill deletes
2 20 these conditions or stipulations, with the result that all
2 21 private or public agencies which are part of the network
2 22 may use the network for any of their video, data, or voice
2 23 requirements.

2 24 The bill deletes associated provisions regarding procedures
2 25 for petitioning for a waiver and commission determination of
2 26 whether a condition or stipulation applies.

LSB 2005YC (2) 84

rn/nh



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Senate Amendment 3006

PAG LIN

1 1 Amend Senate Resolution 3 as follows:
1 2 #1. Page 3, line 5, after <senator> by inserting <or
1 3 the spouse of a senator>

MARK CHELGREN
SR3.247 (2) 84
tm/rj



Iowa General Assembly
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Senate File 118 - Introduced

SENATE FILE
BY BOLKCOM

A BILL FOR

1 An Act increasing the amount of tax credits available under the
2 endow Iowa program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1991XS (2) 84
tw/sc



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Senate File 118 - Introduced continued

PAG LIN

1 1 Section 1. Section 15E.305, subsection 2, unnumbered
1 2 paragraph 1, Code 2011, is amended to read as follows:
1 3 The aggregate amount of tax credits authorized pursuant to
1 4 this section shall not exceed a total of ~~two~~ three million
1 5 ~~seven~~ five hundred thousand dollars plus such additional credit
1 6 amount as provided by this section annually. The maximum
1 7 amount of tax credits granted to a taxpayer shall not exceed
1 8 five percent of the aggregate amount of tax credits authorized.

1 9 EXPLANATION

1 10 This bill increases from \$2.7 million to \$3.5 million the
1 11 maximum aggregate amount of tax credits available under the
1 12 endow Iowa program.

LSB 1991XS (2) 84

tw/sc



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Senate File 119 - Introduced

SENATE FILE

BY RAGAN, WILHELM,
JOCHUM, BOWMAN,
SODDERS, BOLKCOM,
DOTZLER, SENG,
HANCOCK, SCHOENJAHN,
BEALL, McCOY, HORN,
DEARDEN, FRAISE,
COURTNEY, DANDEKAR,
GRONSTAL, KIBBIE,
BLACK, HATCH, RIELLY,
and QUIIRMBACH

A BILL FOR

1 An Act relating to the creation of and use of moneys in a
2 home and community-based services trust fund and making an
3 appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2006XS (6) 84
pf/nh



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Senate File 119 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 231.35 Home and community=based
1 2 services trust fund.
1 3 1. A home and community=based services trust fund is
1 4 created within the state treasury under the authority of
1 5 the department. The moneys in the home and community=based
1 6 services trust fund are appropriated to the department to be
1 7 used for distribution through the area agencies on aging to
1 8 provide home and community=based services for older individuals
1 9 designed to promote the independence of and to delay the use of
1 10 institutional care by older individuals with low and moderate
1 11 incomes.
1 12 2. Moneys received by the department, moneys appropriated
1 13 to the home and community=based services trust fund, and any
1 14 other moneys available to and obtained or accepted by the
1 15 department for placement in the home and community=based trust
1 16 fund shall be deposited in the fund. Notwithstanding section
1 17 12C.7, subsection 2, interest or earnings on moneys in the home
1 18 and community=based services trust fund shall be credited to
1 19 the fund. Notwithstanding section 8.33, moneys in the fund
1 20 that remain unencumbered or unobligated at the end of the
1 21 fiscal year shall not revert but shall remain available for the
1 22 same purpose in the succeeding fiscal year.
1 23 3. The department shall annually distribute moneys
1 24 available in the home and community=based trust fund to the
1 25 area agencies on aging. The department shall adopt rules
1 26 pursuant to chapter 17A to administer this section, including
1 27 the criteria and a process for distribution of funds to area
1 28 agencies on aging.
1 29 Sec. 2. APPROPRIATION. There is appropriated to the
1 30 department on aging for the fiscal year beginning July 1, 2011,
1 31 and ending June 30, 2012, the following amount, or so much
1 32 thereof as is necessary, for the purpose designated:
1 33 For deposit in the home and community=based services
1 34 trust fund created in section 231.35 to provide home and
1 35 community=based services to older individuals:



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Senate File 119 - Introduced continued

2 1 \$ 8,500,000

2 2 EXPLANATION

2 3 This bill creates the home and community-based services
2 4 trust fund within the state treasury under the authority of
2 5 the department on aging. Moneys in the fund are appropriated
2 6 to the department for distribution through area agencies on
2 7 aging to provide home and community-based services for older
2 8 individuals designed to promote the independence of and to
2 9 delay the use of institutional care by older individuals
2 10 with low and moderate incomes. The fund consists of moneys
2 11 received by the department, moneys appropriated to the home
2 12 and community-based services trust fund, and any other moneys
2 13 available to and obtained or accepted by the department for
2 14 placement in the home and community-based trust fund. The
2 15 department is directed to adopt rules to administer the fund,
2 16 including criteria and a process for distribution of funds
2 17 to area agencies on aging. The bill also appropriates \$8.5
2 18 million from the general fund of the state to the department
2 19 for FY 2011=2012 for deposit in the trust fund. Home and
2 20 community-based services are defined in Code section 231.4 as
2 21 "a continua of services available in an individual's home or
2 22 community which include but are not limited to case management,
2 23 homemaker, home health aide, personal care, adult day,
2 24 respite, home delivered meals, nutrition counseling, and other
2 25 medical and social services which contribute to the health and
2 26 well-being of individuals and their ability to reside in a home
2 27 or community-based care setting."

LSB 2006XS (6) 84

pf/nh



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Senate File 120 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB
1026)

A BILL FOR

1 An Act relating to the grounds for which the board of
2 educational examiners is required to disqualify an applicant
3 for licensure or revoke a license.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1331SV (1) 84
kh/nh



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Senate File 120 - Introduced continued

PAG LIN

1 1 Section 1. Section 272.2, subsection 14, paragraph b,
1 2 subparagraph (1), unnumbered paragraph 1, Code 2011, is amended
1 3 to read as follows:
1 4 The person entered a plea of guilty to, or has been found
1 5 guilty of, any of the following offenses ~~established pursuant~~
~~1 6 to Iowa law or offenses of a similar nature established under~~
~~1 7 the laws of any other state or of the United States, or any~~
~~1 8 other country, whether or not a sentence is imposed:~~
1 9 Sec. 2. Section 272.2, subsection 14, paragraph b,
1 10 subparagraph (1), Code 2011, is amended by adding the following
1 11 new subparagraph divisions:
1 12 NEW SUBPARAGRAPH DIVISION. (0c) Enticing a minor under
1 13 section 710.10.
1 14 NEW SUBPARAGRAPH DIVISION. (00c) Human trafficking under
1 15 section 710A.2.
1 16 NEW SUBPARAGRAPH DIVISION. (f) Any offense specified in
1 17 the laws of another jurisdiction, or any offense that may be
1 18 prosecuted in federal, military, or foreign court, that is
1 19 comparable to an offense listed in this subparagraph (1).
1 20 NEW SUBPARAGRAPH DIVISION. (g) Any offense under prior
1 21 laws of this state or another jurisdiction, or any offense
1 22 under prior law that was prosecuted in a federal, military, or
1 23 foreign court, that is comparable to an offense listed in this
1 24 subparagraph (1).

1 25 EXPLANATION

1 26 This bill adds to the grounds for which the board of
1 27 educational examiners is required to disqualify an applicant
1 28 for a license or to revoke the license of a person. The new
1 29 grounds include enticing a minor; human trafficking; or any
1 30 offense specified in the laws of another jurisdiction, any
1 31 offense under prior laws of this state or another jurisdiction,
1 32 or any offense, or prior offense, that may be or was prosecuted
1 33 in federal, military, or foreign court, that is comparable
1 34 to an offense listed as grounds for disqualification or
1 35 revocation.



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Senate File 120 - Introduced continued

2 1 Other grounds for disqualification or revocation currently
2 2 in Code include the following: forcible felonies including
2 3 child endangerment, assault, murder, sexual abuse, or
2 4 kidnapping; sexual abuse offenses involving a child; sexual
2 5 exploitation by a school employee; incest involving a child;
2 6 dissemination and exhibition of obscene material to minors; and
2 7 telephone dissemination of obscene material to minors.

LSB 1331SV (1) 84

kh/nh



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Senate File 121 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB
1013)

A BILL FOR

1 An Act relating to donations made in a criminal proceeding.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1250SV (1) 84
jm/rj



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Senate File 121 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 901.11 Donations == prohibited.
1 2 A monetary or property donation to any agency, organization,
1 3 or political subdivision of the state is prohibited as a part
1 4 of any deferred prosecution, dismissal, sentence, or other
1 5 penalty.
1 6 Sec. 2. Section 907.13, subsection 2, Code 2011, is amended
1 7 to read as follows:
1 8 2. The defendant's plan of community service, the comments
1 9 of the defendant's probation officer, and the comments of
1 10 the representative of the judicial district department of
1 11 correctional services responsible for the unpaid community
1 12 service program, shall be submitted promptly to the court.
1 13 The court shall promptly enter an order approving the plan or
1 14 modifying it. Compliance with the plan of community service
1 15 as approved or modified by the court shall be a condition of
1 16 the defendant's probation. The court thereafter may modify the
1 17 plan at any time upon the defendant's request, upon the request
1 18 of the judicial district department of correctional services,
1 19 or upon the court's own motion. ~~As an option for modification~~
~~1 20 of a plan, the court may allow a defendant to complete some~~
~~1 21 part or all of the defendant's community service obligation~~
~~1 22 through the donation of property to a charitable organization~~
~~1 23 other than a governmental subdivision. A donation of property~~
~~1 24 to a charitable organization offered in satisfaction of some~~
~~1 25 part or all of a community service obligation under this~~
~~1 26 subsection is not a deductible contribution for the purposes of~~
~~1 27 federal or state income taxes.~~
1 28 Sec. 3. Section 910.1, subsection 2, Code 2011, is amended
1 29 by striking the subsection.
1 30 Sec. 4. Section 910.1, subsection 4, Code 2011, is amended
1 31 to read as follows:
1 32 4. "Restitution" means payment of pecuniary damages to
1 33 a victim in an amount and in the manner provided by the
1 34 offender's plan of restitution. "Restitution" also includes
1 35 fines, penalties, and surcharges, ~~the contribution of funds to~~



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~~Senate File 121 - Introduced continued~~

~~2 1 a local anticrime organization which provided assistance to law~~
~~2 2 enforcement in an offender's case, the payment of crime victim~~
2 3 compensation program reimbursements, payment of restitution
2 4 to public agencies pursuant to section 321J.2, subsection
2 5 13, paragraph "b", court costs including correctional fees
2 6 approved pursuant to section 356.7, court=appointed attorney
2 7 fees ordered pursuant to section 815.9, including the expense
2 8 of a public defender, and the performance of a public service
2 9 by an offender in an amount set by the court when the offender
2 10 cannot reasonably pay all or part of the court costs including
2 11 correctional fees approved pursuant to section 356.7, or
2 12 court=appointed attorney fees ordered pursuant to section
2 13 815.9, including the expense of a public defender.
2 14 Sec. 5. Section 910.2, Code 2011, is amended to read as
2 15 follows:
2 16 910.2 Restitution or community service to be ordered by
2 17 sentencing court.
2 18 1. In all criminal cases in which there is a plea of guilty,
2 19 verdict of guilty, or special verdict upon which a judgment
2 20 of conviction is rendered, the sentencing court shall order
2 21 that restitution be made by each offender to the victims of
2 22 the offender's criminal activities, to the clerk of court for
2 23 fines, penalties, surcharges, and, to the extent that the
2 24 offender is reasonably able to pay, for crime victim assistance
2 25 reimbursement, restitution to public agencies pursuant to
2 26 section 321J.2, subsection 13, paragraph "b", court costs
2 27 including correctional fees approved pursuant to section
2 28 356.7, court=appointed attorney fees ordered pursuant to
2 29 section 815.9, including the expense of a public defender, when
2 30 applicable, ~~contribution to a local anticrime organization,~~
2 31 or restitution to the medical assistance program pursuant to
2 32 chapter 249A for expenditures paid on behalf of the victim
2 33 resulting from the offender's criminal activities. However,
2 34 victims shall be paid in full before fines, penalties, ~~and~~
2 35 surcharges, crime victim compensation program reimbursement,



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3 1 public agencies, court costs including correctional fees
3 2 approved pursuant to section 356.7, court=appointed attorney
3 3 fees ordered pursuant to section 815.9, including the expenses
3 4 of a public defender, ~~contributions to a local anticrime~~
~~3 5 organization,~~ or the medical assistance program are paid. In
3 6 structuring a plan of restitution, the court shall provide
3 7 for payments in the following order of priority: victim,
3 8 fines, penalties, and surcharges, crime victim compensation
3 9 program reimbursement, public agencies, court costs including
3 10 correctional fees approved pursuant to section 356.7,
3 11 court=appointed attorney fees ordered pursuant to section
3 12 815.9, including the expense of a public defender, ~~contribution~~
~~3 13 to a local anticrime organization,~~ and the medical assistance
3 14 program.
3 15 2. When the offender is not reasonably able to pay all or a
3 16 part of the crime victim compensation program reimbursement,
3 17 public agency restitution, court costs including correctional
3 18 fees approved pursuant to section 356.7, court=appointed
3 19 attorney fees ordered pursuant to section 815.9, including the
3 20 expense of a public defender, ~~contribution to a local anticrime~~
~~3 21 organization,~~ or medical assistance program restitution, the
3 22 court may require the offender in lieu of that portion of
3 23 the crime victim compensation program reimbursement, public
3 24 agency restitution, court costs including correctional fees
3 25 approved pursuant to section 356.7, court=appointed attorney
3 26 fees ordered pursuant to section 815.9, including the expense
3 27 of a public defender, ~~contribution to a local anticrime~~
~~3 28 organization,~~ or medical assistance program restitution for
3 29 which the offender is not reasonably able to pay, to perform
3 30 a needed public service for a governmental agency or for a
3 31 private nonprofit agency which provides a service to the youth,
3 32 elderly, or poor of the community. When community service is
3 33 ordered, the court shall set a specific number of hours of
3 34 service to be performed by the offender which, for payment
3 35 of court=appointed attorney fees ordered pursuant to section



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4 1 815.9, including the expenses of a public defender, shall be
4 2 approximately equivalent in value to those costs. The judicial
4 3 district department of correctional services shall provide for
4 4 the assignment of the offender to a public agency or private
4 5 nonprofit agency to perform the required service.

4 6 Sec. 6. Section 915.100, subsection 2, paragraph e, Code
4 7 2011, is amended to read as follows:

4 8 e. Victims shall be paid in full pursuant to an order
4 9 of restitution, before fines, penalties, surcharges, crime
4 10 victim compensation program reimbursement, public agency
4 11 reimbursement, court costs, correctional fees, court-appointed
4 12 attorney fees, or expenses of a public defender, ~~or~~

~~4 13 contributions to local anticrime organizations are paid.~~

4 14 EXPLANATION

4 15 This bill relates to donations made in a criminal
4 16 proceeding. The bill prohibits any donation to an agency,
4 17 organization, or political subdivision of the state as part
4 18 of any deferred prosecution, dismissal, sentence, or other
4 19 penalty. The bill eliminates a provision allowing a criminal
4 20 defendant to make a donation in lieu of performing community
4 21 service. The bill also eliminates provisions allowing a
4 22 contribution by a criminal defendant to a local anticrime
4 23 organization as part of the offender's restitution plan.

LSB 1250SV (1) 84

jm/rj



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Senate File 122 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB
1024)

A BILL FOR

1 An Act relating to the duties of the college student aid
2 commission and to requirements regarding certain financial
3 aid programs administered by the commission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1248SV (4) 84
kh/sc



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Senate File 122 - Introduced continued

PAG LIN

1 1 Section 1. Section 261.2, Code 2011, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 11. Ensure that students receiving
1 4 state-funded scholarships and grants are attending institutions
1 5 of higher education that meet all of the following conditions:
1 6 a. The institutions are not required to register under
1 7 chapter 261B.
1 8 b. The institutions are eligible to participate in a federal
1 9 student aid program authorized under Tit. IV of the federal
1 10 Higher Education Act of 1965, as amended.
1 11 NEW SUBSECTION. 12. Require any postsecondary institution
1 12 whose students are eligible for or who receive financial
1 13 assistance under programs administered by the commission to
1 14 transmit annually to the commission information about the
1 15 numbers of minority students enrolled in and minority faculty
1 16 members employed at the institution. The commission shall
1 17 compile and report the information collected to the general
1 18 assembly, the governor, and the legislative services agency by
1 19 March 1 annually.
1 20 Sec. 2. Section 261.6, subsection 4, Code 2011, is amended
1 21 by striking the subsection.
1 22 Sec. 3. Section 261.9, subsection 1, paragraph d, Code 2011,
1 23 is amended to read as follows:
1 24 d. Promotes equal opportunity and affirmative action efforts
1 25 in the recruitment, appointment, assignment, and advancement of
1 26 personnel at the institution and provides information regarding
1 27 such efforts to the commission upon request. In carrying
~~1 28 out this responsibility the institution shall do all of the~~
~~1 29 following:~~
1 30 ~~(1) Designate a position as the affirmative action~~
~~1 31 coordinator.~~
1 32 ~~(2) Adopt affirmative action standards.~~
1 33 ~~(3) Gather data necessary to maintain an ongoing assessment~~
~~1 34 of affirmative action efforts.~~
1 35 ~~(4) Monitor accomplishments with respect to affirmative~~



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~~Senate File 122 - Introduced continued~~

- ~~2 1 action remedies identified in affirmative action plans.~~
~~2 2 (5) Conduct studies of preemployment and postemployment~~
~~2 3 processes in order to evaluate employment practices and develop~~
~~2 4 improved methods of dealing with all employment issues related~~
~~2 5 to equal employment opportunity and affirmative action.~~
~~2 6 (6) Establish an equal employment committee to assist in~~
~~2 7 addressing affirmative action needs, including recruitment.~~
~~2 8 (7) Address equal opportunity and affirmative action~~
~~2 9 training needs by:~~
~~2 10 (a) Providing appropriate training for managers and~~
~~2 11 supervisors.~~
~~2 12 (b) Insuring that training is available for all staff~~
~~2 13 members whose duties relate to personnel administration.~~
~~2 14 (c) Investigating means for training in the area of career~~
~~2 15 development.~~
~~2 16 (8) Require development of equal employment opportunity~~
~~2 17 reports, including the initiation of the processes necessary~~
~~2 18 for the completion of reports required by the federal equal~~
~~2 19 employment opportunity commission.~~
~~2 20 (9) Address equal opportunity and affirmative action~~
~~2 21 policies with respect to employee benefits and leaves of~~
~~2 22 absence.~~
~~2 23 (10) File annual reports with the college aid commission of~~
~~2 24 activities under this paragraph.~~
2 25 Sec. 4. Section 261.25, subsection 5, Code 2011, is amended
2 26 by striking the subsection.
2 27 Sec. 5. Section 261.92, subsection 1, paragraph b, Code
2 28 2011, is amended to read as follows:
2 29 b. Promotes equal opportunity and affirmative action efforts
2 30 in the recruitment, appointment, assignment, and advancement of
2 31 personnel at the institution and provides information regarding
2 32 such efforts to the commission upon request. ~~In carrying~~
~~2 33 out this responsibility the institution shall do all of the~~
~~2 34 following:~~
2 35 (1) ~~Designate a position as the affirmative action~~



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~~Senate File 122 - Introduced continued~~

- ~~3 1 coordinator.~~
- 3 2 ~~(2) Adopt affirmative action standards.~~
- 3 3 ~~(3) Gather data necessary to maintain an ongoing assessment~~
- ~~3 4 of affirmative action efforts.~~
- 3 5 ~~(4) Monitor accomplishments with respect to affirmative~~
- ~~3 6 action remedies identified in affirmative action plans.~~
- 3 7 ~~(5) Conduct studies of preemployment and postemployment~~
- ~~3 8 processes in order to evaluate employment practices and develop~~
- ~~3 9 improved methods of dealing with all employment issues related~~
- ~~3 10 to equal employment opportunity and affirmative action.~~
- 3 11 ~~(6) Establish an equal employment committee to assist in~~
- ~~3 12 addressing affirmative action needs, including recruitment.~~
- 3 13 ~~(7) Address equal opportunity and affirmative action~~
- ~~3 14 training needs by doing all of the following:~~
- 3 15 ~~(a) Providing appropriate training for managers and~~
- ~~3 16 supervisors.~~
- 3 17 ~~(b) Insuring that training is available for all staff~~
- ~~3 18 members whose duties relate to personnel administration.~~
- 3 19 ~~(c) Investigating means for training in the area of career~~
- ~~3 20 development.~~
- 3 21 ~~(8) Require development of equal employment opportunity~~
- ~~3 22 reports, including the initiation of the processes necessary~~
- ~~3 23 for the completion of reports required by the federal equal~~
- ~~3 24 employment opportunity commission.~~
- 3 25 ~~(9) Address equal opportunity and affirmative action~~
- ~~3 26 policies with respect to employee benefits and leaves of~~
- ~~3 27 absence.~~
- 3 28 ~~(10) File annual reports with the college student aid~~
- ~~3 29 commission of activities under this paragraph.~~
- 3 30 Sec. 6. Section 261.112, subsection 4, Code 2011, is amended
- 3 31 to read as follows:
- 3 32 4. The annual amount of teacher shortage loan forgiveness
- 3 33 shall not exceed the resident tuition rate established for
- 3 34 institutions of higher learning governed by the state board of
- 3 35 regents for the first year following the teacher's graduation



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4 1 from an approved practitioner preparation program, or twenty
4 2 percent of the teacher's total federally guaranteed Stafford
4 3 loan amount under the federal family education loan program
4 4 or the federal direct loan program, including principal
4 5 and interest, whichever amount is less. A teacher shall be
4 6 eligible for the loan forgiveness program for not more than
4 7 five ~~consecutive~~ years. However, practice by an eligible
4 8 teacher in a teacher shortage area pursuant to subsection 1
4 9 must be completed within ten years following graduation from
4 10 the approved practitioner preparation program.

4 11 EXPLANATION

4 12 This bill makes changes relating to data collection by the
4 13 college student aid commission; requires the commission to
4 14 ensure that students receiving state-funded scholarships and
4 15 grants are attending institutions of higher education that
4 16 are not required to register as a postsecondary school under
4 17 Code chapter 261B and which are eligible to participate in
4 18 federal student aid programs; strikes a requirement that the
4 19 commission develop and implement a postsecondary and workforce
4 20 participation tracking system; changes teacher shortage loan
4 21 forgiveness program eligibility requirements; and eliminates
4 22 a specific list of equal opportunity and affirmative action
4 23 efforts accredited private institutions are currently required
4 24 to implement.

4 25 The bill strikes a provision that requires the commission
4 26 to develop and implement a tracking system that maintains a
4 27 10-year record of the postsecondary and workforce participation
4 28 for each person assisted under the all Iowa opportunity foster
4 29 care grant program. The provision stricken also requires the
4 30 commission to deliver a report on program outcomes to the
4 31 governor and general assembly by January 1 annually.

4 32 Currently, each accredited public and private institution
4 33 whose students receive Iowa tuition grants or Iowa grants
4 34 must promote equal opportunity and affirmative action efforts
4 35 regarding personnel at the institution, and the Code specifies



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Senate File 122 - Introduced continued

5 1 the actions each institution must take, including but not
5 2 limited to designating an affirmative action coordinator,
5 3 adopting affirmative action standards, conducting studies of
5 4 preemployment and postemployment processes, and filing annual
5 5 reports with the commission. The bill eliminates the list of
5 6 specified actions and requires the institutions to provide
5 7 information to the commission as requested.
5 8 Currently, only postsecondary institutions that enroll
5 9 students who are Iowa tuition grant recipients must transmit
5 10 to the commission information about the number of minority
5 11 students enrolled. The bill expands this requirement to all
5 12 postsecondary institutions whose students receive financial
5 13 assistance administered by the commission, but eliminates a
5 14 requirement that such institutions submit to the commission
5 15 existing or proposed plans for the recruitment and retention of
5 16 minority students and faculty and for service to nontraditional
5 17 students.
5 18 Finally, the bill provides that teachers may be eligible
5 19 for five years of loan forgiveness under the teacher shortage
5 20 loan forgiveness program, but practice conferring eligibility
5 21 must be completed within 10 years following graduation from an
5 22 approved practitioner preparation program. Currently, the five
5 23 years of eligibility must run consecutively.

LSB 1248SV (4) 84

kh/sc



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Senate File 123 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB
1025)

A BILL FOR

1 An Act providing for immunity from civil liability for members
2 and employees of the board of educational examiners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1330SV (2) 84
je/nh



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Senate File 123 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 272.6 Immunities.
1 2 1. A person shall not be civilly liable as a result of the
1 3 person's acts, omissions, or decisions that are reasonable and
1 4 in good faith as a member of the board or as an employee or
1 5 agent in connection with the person's duties.
1 6 2. A person shall not be civilly liable as a result
1 7 of filing a report or complaint with the board or for the
1 8 disclosure to the board or its agents or employees, whether or
1 9 not pursuant to a subpoena of records, documents, testimony, or
1 10 other forms of information in connection with proceedings of
1 11 the board. However, such immunity from civil liability shall
1 12 not apply if such an act is done with malice.
1 13 3. A person shall not be dismissed from employment or
1 14 discriminated against by an employer for doing any of the
1 15 following:
1 16 a. Filing a complaint with the board.
1 17 b. Participating as a member, agent, or employee of the
1 18 board.
1 19 c. Presenting testimony or other evidence to the board.
1 20 4. An employer who violates this section shall be liable to
1 21 a person aggrieved by such violation for actual and punitive
1 22 damages plus reasonable attorney fees.

1 23 EXPLANATION

1 24 This bill provides that a person shall not be civilly liable
1 25 for their actions in good faith as a member, employee, or agent
1 26 of the board of educational examiners. Pursuant to the bill, a
1 27 person shall not be civilly liable, as long as they do not act
1 28 with malice, for filing a report or complaint with the board or
1 29 disclosing to the board various forms of information. The bill
1 30 provides that a person shall not be dismissed or discriminated
1 31 against by an employer for their involvement with the board.
1 32 The bill also provides that an employer who violates the terms
1 33 of the bill shall be liable to the aggrieved person for actual
1 34 and punitive damages plus reasonable attorney fees.

LSB 1330SV (2) 84

je/nh



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Senate File 124 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB
1012)

A BILL FOR

1 An Act relating to the criminal offense of possessing
2 electronic contraband or failing to report electronic
3 contraband at a jail, municipal holding facility, or
4 correctional facility and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1183SV (3) 84
jm/nh



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Senate File 124 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 719.7A Electronic contraband ====
1 2 criminal penalties.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "Electronic contraband" means a mobile telephone or other
1 6 hand-held electronic communication device.
1 7 b. "Facility" means a county jail, municipal holding
1 8 facility, or institution under the management of the department
1 9 of corrections.
1 10 2. A person commits the offense of possessing electronic
1 11 contraband under this section if the person, not authorized by
1 12 law, does any of the following:
1 13 a. Knowingly supplies or attempts to supply electronic
1 14 contraband to any person confined in a facility, or to any
1 15 person confined in a facility while the person is being
1 16 transported or moved incidental to the confinement.
1 17 b. Knowingly makes, obtains, or possesses electronic
1 18 contraband while confined in a facility, or while being
1 19 transported or moved incidental to confinement.
1 20 3. A person who possesses electronic contraband commits a
1 21 class "D" felony.
1 22 4. a. A person commits the offense of failing to report
1 23 electronic contraband when the person fails to report a known
1 24 violation or attempted violation of this section to an official
1 25 or officer at a facility.
1 26 b. A person who violates this subsection commits an
1 27 aggravated misdemeanor.
1 28 5. The sheriff may x=ray a person committed to the jail,
1 29 the supervising law enforcement agency may x=ray a person
1 30 confined in the municipal holding facility, or the department
1 31 of corrections may x=ray a person under the control of the
1 32 department, if there is reason to believe that the person is in
1 33 possession of electronic contraband. A licensed physician or
1 34 x=ray technician under the supervision of a licensed physician
1 35 must x=ray the person.



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2 1 6. Nothing in this section is intended to limit the
2 2 authority of the administrator of any facility to prescribe
2 3 or enforce rules concerning the definition of electronic
2 4 contraband, and the supplying, making, obtaining, or possession
2 5 of electronic contraband.

2 6 EXPLANATION

2 7 This bill relates to the criminal offense of possessing
2 8 electronic contraband in a jail, municipal holding facility, or
2 9 correctional institution.

2 10 The bill defines "electronic contraband" as a mobile
2 11 telephone or other hand-held electronic communication device.

2 12 Under the bill, a person commits the criminal offense of
2 13 possessing electronic contraband, if the person, not authorized
2 14 by law, supplies or attempts to supply, makes, obtains, or
2 15 possesses a mobile telephone or other hand-held electronic
2 16 communication device in, a jail, municipal holding facility, or
2 17 correctional institution. A person who violates this provision
2 18 commits a class "D" felony.

2 19 The bill provides that if a person fails to report a known
2 20 electronic contraband violation to an official or officer of a
2 21 jail, municipal holding facility, or correctional institution,
2 22 the person commits an aggravated misdemeanor.

2 23 A class "D" felony is punishable by up to five years of
2 24 confinement and a fine of at least \$750 but not more than
2 25 \$7,500. An aggravated misdemeanor is punishable by up to two
2 26 years in prison and a fine of at least \$625 but not to exceed
2 27 \$6,250.

LSB 1183SV (3) 84

jm/nh



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Senate File 125 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB
1020)

A BILL FOR

1 An Act relating to the registration of certain postsecondary
2 schools by the college student aid commission, making an
3 appropriation, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1204SV (3) 84
kh/sc



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Senate File 125 - Introduced continued

PAG LIN

1 1 Section 1. Section 261B.2, subsections 2 and 3, Code 2011,
1 2 are amended to read as follows:

1 3 2. "Degree" means a postsecondary credential conferring
1 4 on the recipient the title of associate, bachelor, master,
1 5 or doctor, or an equivalent title, ~~signifying educational~~
~~1 6 attainment based on any one or a combination of study or the~~
~~1 7 equivalent experience or achievement testing. A postsecondary~~
~~1 8 degree under this chapter shall not include an honorary degree~~
~~1 9 or other unearned degree.~~

1 10 3. "Presence" means ~~maintaining an address within Iowa~~
1 11 a physical location in Iowa from which a school offers any
1 12 portion of a course of instruction in person or by distance
1 13 education or correspondence study, or conducts advertising,
1 14 recruiting, enrollment, program coordination, administration,
1 15 or any other activity related to the school's operations.

1 16 Sec. 2. Section 261B.2, Code 2011, is amended by adding the
1 17 following new subsections:

1 18 NEW SUBSECTION. 2A. "Offered in this state" means the
1 19 school offers any portion of a course of instruction at a
1 20 physical location in this state.

1 21 NEW SUBSECTION. 2B. "Postsecondary credential" means
1 22 a degree, diploma, or certificate signifying postsecondary
1 23 educational attainment following completion of a postsecondary
1 24 instructional program. A postsecondary credential conferred
1 25 under this chapter shall not include an honorary credential or
1 26 other unearned credential. A postsecondary credential under
1 27 this chapter does not mean a certificate of completion of a
1 28 course of instruction.

1 29 Sec. 3. Section 261B.2, subsection 4, paragraph b, Code
1 30 2011, is amended to read as follows:

1 31 b. Provides a postsecondary instructional program ~~or course~~
~~1 32 leading to a degree postsecondary credential.~~

1 33 Sec. 4. Section 261B.3, Code 2011, is amended to read as
1 34 follows:

1 35 261B.3 Registration.



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Senate File 125 - Introduced continued

2 1 1. Except as provided in section 261B.11, a school ~~that~~
2 2 ~~shall register with the commission if the school maintains or~~
2 3 ~~conducts one or more courses of instruction offered in this~~
2 4 ~~state, including courses of instruction by correspondence or~~
2 5 ~~other distance delivery method, offered in this state or which~~
2 6 ~~if the school has a presence in this state and offers courses~~
2 7 ~~in this state or in other states or foreign countries shall~~
2 8 ~~register with the commission.~~
2 9 a. Registrations shall be renewed every four years ~~or~~ and
2 10 shall be amended upon any substantive change in location,
2 11 program offerings, or accreditation. A school makes a
2 12 substantive change in a program offering when the school
2 13 proposes to offer or modify a program that requires the
2 14 approval of the state board of education or any other state
2 15 agency authorized to approve the school or its program in this
2 16 state.
2 17 b. Registration shall be made on application forms approved
2 18 and ~~supplied~~ made available by the commission and at the time
2 19 and in the manner prescribed by the commission. Upon receipt
2 20 of a complete and accurate registration application, the
2 21 commission shall issue an acknowledgment of document filed and
2 22 send it to the school.
2 23 2. The commission may ~~request~~ require a school to provide
2 24 additional information ~~as the commission deems necessary~~
2 25 ~~to enable the commission to determine the accuracy and~~
2 26 ~~completeness of the information contained in the evaluate a~~
2 27 ~~school's registration application.~~
2 28 3. If the commission believes that false, misleading,
2 29 or incomplete information has been submitted in connection
2 30 with an application for registration, the commission may deny
2 31 registration. The commission shall conduct a hearing on the
2 32 denial if a hearing is requested by a school. The commission
2 33 may withhold an acknowledgment of document filed pending the
2 34 outcome of the hearing. Upon a finding after the hearing
2 35 that information contained in the registration application is



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3 1 false, misleading, or incomplete, the commission shall deny an
3 2 acknowledgment of document filed to the school. The commission
3 3 shall make the final decision on each registration. However,
3 4 the decision of the commission is subject to judicial review in
3 5 accordance with section 17A.19.

3 6 ~~3.~~ 4. The commission shall adopt rules under chapter 17A
3 7 for the implementation of this chapter.

3 8 Sec. 5. Section 261B.3A, Code 2011, is amended to read as
3 9 follows:

3 10 261B.3A Requirements.

3 11 1. In order to register, a school shall be accredited
3 12 by an agency or organization approved or recognized by the
3 13 United States department of education or a successor agency,
3 14 be approved by any other state agency authorized to approve
3 15 the school in this state, and, subsequently, be approved for
3 16 operation by the commission.

3 17 2. A practitioner preparation program, as defined in
3 18 section 272.1, operated by a school that applies to register
3 19 the program in accordance with this chapter shall, in order to
3 20 register, be accredited by an agency or organization approved
3 21 or recognized by the United States department of education or a
3 22 successor agency, be approved by the state board of education
3 23 pursuant to section 256.7, subsection 3, and, subsequently, be
3 24 approved for operation by the commission.

3 25 3. The commission may grant a provisional registration to
3 26 a school that is not accredited by an agency or organization
3 27 that is recognized by the United States department of education
3 28 or its successor agency. The commission shall determine
3 29 the duration of the provisional registration. During the
3 30 provisional registration period, the school shall, at six=month
3 31 intervals, submit to the commission documentation of its
3 32 progress toward achieving accreditation. The commission may
3 33 renew the school's provisional registration at its discretion
3 34 based on documentation that the school is making progress
3 35 toward accreditation.



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4 1 ~~3.~~ 4. Nothing in this chapter shall be construed to exempt
4 2 a school from the requirements of chapter 490 or 491.
4 3 Sec. 6. Section 261B.4, subsections 5, 11, and 13, Code
4 4 2011, are amended to read as follows:
4 5 5. The ~~degrees~~ postsecondary credentials granted by the
4 6 school.
4 7 11. The names or titles and a description of the courses and
4 8 ~~degrees~~ postsecondary credentials to be offered.
4 9 13. The academic and instructional methodologies and
4 10 delivery systems to be used by the school and the extent to
4 11 which the school anticipates each methodology and delivery
4 12 system will be used, including, but not limited to, classroom
4 13 instruction, correspondence, electronic telecommunications,
4 14 independent study, and portfolio experience evaluation.
4 15 Sec. 7. Section 261B.7, Code 2011, is amended to read as
4 16 follows:
4 17 261B.7 Unauthorized representation.
4 18 ~~Neither a A school nor its or a school's~~ officials or
4 19 employees shall not advertise or represent that the school is
4 20 approved or accredited by the commission or the state of Iowa
4 21 ~~nor shall it use the registration as a.~~ However, a registered
4 22 school shall reference in promotional materials that the school
4 23 is registered by the commission on behalf of the state of Iowa
4 24 and provide the commission's contact information for students
4 25 who wish to register a complaint about the school.
4 26 Sec. 8. Section 261B.8, subsections 1 and 3, Code 2011, are
4 27 amended to read as follows:
4 28 1. The commission shall set by rule and collect, as
4 29 applicable, a nonrefundable application fee from each
4 30 registration applicant, and an initial registration fee, a
4 31 registration amendment fee, and a renewal of registration fee
4 32 from each registered school.
4 33 3. a. A postsecondary registration fund is created in
4 34 the state treasury under the control of the commission.
4 35 Fees collected under this section shall be deposited in the



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5 1 ~~general~~ postsecondary registration fund ~~of the state~~ and are
5 2 appropriated to the commission for purposes of administering
5 3 this chapter.

5 4 b. The moneys credited to the postsecondary registration
5 5 fund are not subject to section 8.33, and moneys in the fund
5 6 shall not be transferred, used, obligated, appropriated,
5 7 or otherwise encumbered except as provided by law.

5 8 Notwithstanding section 12C.7, subsection 2, interest or
5 9 earnings on moneys deposited in the postsecondary registration
5 10 fund shall be credited to the fund.

5 11 Sec. 9. Section 261B.9, subsection 5, Code 2011, is amended
5 12 to read as follows:

5 13 5. Whether the postsecondary credential ~~or certificate~~
5 14 ~~issued, awarded, or credited to a student upon completion~~
5 15 of the course or the fact of completion of the course is
5 16 applicable toward a degree granted by the school and, if so,
5 17 under what circumstances the application will be made.

5 18 Sec. 10. Section 261B.11, subsections 1, 2, 4, 7, 9, and 11,
5 19 Code 2011, are amended to read as follows:

5 20 1. Schools and educational programs conducted by firms,
5 21 corporations, or persons solely for the training of their own
5 22 employees.

5 23 2. Apprentice or other training programs provided by labor
5 24 unions solely to members or applicants for membership.

5 25 4. Seminars, refresher courses, and programs of instruction
5 26 sponsored by professional, business, or farming organizations
5 27 or associations solely for the members and employees of members
5 28 of these organizations or associations.

5 29 7. Schools or courses of instruction or courses of
5 30 training that are offered by a vendor solely to the purchaser
5 31 or prospective purchaser of the vendor's product when the
5 32 objective of the school or course is to enable the purchaser
5 33 or the purchaser's employees to gain skills and knowledge to
5 34 enable the purchaser to use the product.

5 35 9. Postsecondary educational institutions licensed by the



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6 1 state of Iowa under section 157.8 or 158.7 prior to July 1,
6 2 2009, to ~~conduct business~~ operate as a school of cosmetology
6 3 arts and sciences or a barber school in the state.

6 4 11. Postsecondary educational institutions offering
6 5 ~~programs limited to nondegree~~ specialty vocational training
6 6 programs for which the school does not award a postsecondary
6 7 credential.

6 8 Sec. 11. NEW SECTION. 261B.11A Ineligibility for state
6 9 student financial aid programs.

6 10 1. Students attending schools required to register under
6 11 this chapter are ineligible for state student financial aid
6 12 programs established under chapter 261.

6 13 2. A school required to register under this chapter is
6 14 prohibited from offering state aid or advertising that state
6 15 aid is or may be available to students attending the school.

6 16 EXPLANATION

6 17 This bill modifies Code chapter 261B which regulates the
6 18 registration of postsecondary schools by the college student
6 19 aid commission. Modifications include provisions which provide
6 20 that students attending such schools are ineligible for state
6 21 student financial aid programs, authorize the commission
6 22 to require additional information from schools, establish
6 23 registration application and registration amendment fees, and
6 24 establish a postsecondary registration fund comprised of the
6 25 registration fees collected by the commission. The moneys in
6 26 the fund are appropriated to the commission for purposes of
6 27 administering the chapter.

6 28 The bill specifies that schools that maintain or conduct one
6 29 or more courses of instruction offered in this state or which
6 30 have a presence in this state and offer courses in this state
6 31 or other states or foreign countries are required to register
6 32 with the commission. The Code chapter currently includes
6 33 exceptions for certain schools and educational programs.

6 34 Currently, registrations must be renewed every four years
6 35 and upon substantive change in location or accreditation. To



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7 1 this renewal requirement, the bill adds that registrations
7 2 shall be amended upon any substantive change in program
7 3 offering. A substantive change in program offering is defined
7 4 as when a school proposes to offer a program that requires the
7 5 approval of the state board of education or other state agency.
7 6 The bill authorizes the commission to require additional
7 7 information from a school if the additional information is
7 8 deemed necessary in order to evaluate the school's registration
7 9 application. A registered school's promotional materials shall
7 10 reference that it is registered with the commission and shall
7 11 include the commission's contact information for students who
7 12 wish to register a complaint about the school.
7 13 The commission is also authorized to grant a provisional
7 14 registration, the duration of which is to be determined by the
7 15 commission, to a school that is not accredited by an agency or
7 16 organization recognized by the U.S. department of education.
7 17 During the provisional registration period, the school must
7 18 submit to the commission, at six-month intervals, documentation
7 19 regarding its progress toward achieving accreditation. The
7 20 commission may renew the provisional registration at its
7 21 discretion based on documentation that the school is making
7 22 progress toward accreditation.
7 23 The bill prohibits schools required to register with the
7 24 commission from offering state aid or advertising that state
7 25 aid is or may be available to students attending the school.
7 26 The bill makes changes to the Code chapter's definitions of
7 27 "degree", "presence", and "school" and adds definitions for
7 28 "offered in this state" and "postsecondary credential".
7 29 The Code currently authorizes the commission to issue a
7 30 cease and desist order to a school it believes is in violation
7 31 of Code chapter 261B and to seek judicial enforcement of the
7 32 order. Also, a violation of the Code chapter constitutes
7 33 an unlawful practice under Code section 714.16, relating to
7 34 consumer fraud.

LSB 1204SV (3) 84

kh/sc



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Senate Study Bill 1077

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to reforming state and county responsibilities
2 for adult mental health, mental retardation, and
3 developmental disabilities services and providing effective
4 dates.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1422XC (2) 84
jp/rj



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1 1 Section 1. FINDINGS AND PURPOSE.

1 2 1. The general assembly finds that full implementation
1 3 of the federal Patient Protection and Affordable Care Act,
1 4 Pub. L. No. 111=148, in 2014 will have a significant impact
1 5 on services to low=income Iowans because eligibility for the
1 6 Medicaid program will be simplified to include individuals
1 7 having an income at or below 133 percent of the federal
1 8 poverty level. Consequently, the additional categorical
1 9 eligibility requirements now applicable for Medicaid program
1 10 eligibility, such as being a recipient of federal supplemental
1 11 security income (SSI) or for meeting Medicaid program waiver
1 12 requirements, will no longer apply. Because Medicaid is such
1 13 a significant funding source for Iowa's state=county mental
1 14 health, mental retardation, and developmental disabilities
1 15 system for adults, the simplified eligibility change presents
1 16 an opportunity to reform that system. The simplified Medicaid
1 17 eligibility provisions coming into force in 2014 also will
1 18 provide Medicaid eligibility to many adults whose services
1 19 costs are wholly or primarily a county responsibility.

1 20 2. Under current law, counties pay the nonfederal share
1 21 of the costs of Medicaid program services provided to address
1 22 the needs of eligible adults with mental illness or mental
1 23 retardation and some counties voluntarily pay for Medicaid
1 24 program service costs to address developmental disabilities
1 25 in addition to mental retardation. Because the increases in
1 26 overall funding for such services have experienced very limited
1 27 growth in recent years, the annual increases needed to fund the
1 28 county Medicaid responsibility have been reducing the funding
1 29 counties have available to fund other non=Medicaid services.
1 30 With the federal expansion in those eligible for the Medicaid
1 31 program, significant new funding will be needed to provide the
1 32 match for the new eligible adults.

1 33 3. It is the intent of the general assembly to incrementally
1 34 shift responsibility for the funding of Medicaid services for
1 35 adults with mental illness or mental retardation from the



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2 1 counties to the state so that the shift is completed by 2014
2 2 when the new federal law takes effect.
2 3 4. Among adults who have a serious mental illness, the
2 4 incidence of those with a co=occurring disorder involving abuse
2 5 of alcohol or another substance is much higher than among the
2 6 population without such an illness. However, the availability
2 7 of treatment that simultaneously addresses both disorders is
2 8 very limited. This situation could be helped by assigning
2 9 responsibility for both types of treatment to one state agency
2 10 instead of two, as is currently the case.
2 11 5. a. Under current law, if an adult has serious mental
2 12 illness or mental retardation and does not have a means of
2 13 paying for services, the primary responsibility to fund and
2 14 make the services available is assigned to counties. Although
2 15 many common elements do exist among the service arrays offered
2 16 by counties, a basic set of services is not available in all
2 17 counties, waiting lists for some services are in effect in
2 18 some counties, the availability of community=based services in
2 19 some counties is very limited, and other disparities exist.
2 20 For example, many publicly funded services available to young
2 21 persons are not continued when the young persons become adults
2 22 because public funding of the services does not exist for
2 23 adults.
2 24 b. It is the intent of the general assembly to address
2 25 such disparity by shifting the responsibility for adult mental
2 26 illness services from the counties to the state and requiring
2 27 regional county administration of the services for persons with
2 28 mental retardation. Regions covering a general population of
2 29 at least 300,000 would be of sufficient size to make services
2 30 availability more uniform.
2 31 6. a. Counties are limited to levying approximately \$125
2 32 million in property taxes statewide for the services due to law
2 33 enacted in the mid=1990s. The state distributes to counties
2 34 approximately \$89 million to replace equivalent reductions
2 35 in the amount of property taxes raised for this purpose. In



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3 1 addition, for fiscal year 2010=2011, the state will distribute
3 2 to counties approximately \$49 million in allowed growth funds,
3 3 approximately \$14 million in community services funds, and
3 4 approximately \$11 million to reimburse for state cases.

3 5 b. It is the intent of the general assembly to shift the
3 6 funding described in paragraph "a" and to provide additional
3 7 funding as necessary to accomplish the following goals:

3 8 (1) State assumption of Medicaid cost=share responsibility
3 9 currently held by counties.

3 10 (2) Improvement in the uniformity and availability of
3 11 services administered by both the state and counties.

3 12 (3) Provision of property tax relief through direct state
3 13 assumption of responsibility for costs and moving toward levy
3 14 uniformity.

3 15 c. It is the intent of the general assembly to shift \$40
3 16 million or more of allowed growth funding for fiscal year
3 17 2011=2012 for use by the state to assume an equivalent=cost
3 18 county responsibility for funding of Medicaid program service.

3 19 Sec. 2. SERVICE SYSTEM REFORM PLANNING.

3 20 1. The department of human services shall consult with
3 21 stakeholders, including counties and service consumers,
3 22 providers, and advocates, in proposing a schedule, funding
3 23 provisions, and other associated actions necessary for
3 24 the state to incrementally assume the responsibilities of
3 25 counties for payment of the nonfederal share of Medicaid
3 26 program services by the date in 2014 when the Medicaid
3 27 program enhancements under the federal Patient Protection and
3 28 Affordable Care Act, Pub. L. No. 111=148, take effect. The
3 29 department shall submit the plan, accompanied by appropriate
3 30 findings and recommendations, to the governor and general
3 31 assembly on or before December 1, 2011.

3 32 2. The departments of human services and public health
3 33 shall consult with stakeholders, including counties and service
3 34 consumers, providers, and advocates, in developing a plan
3 35 for the shifting of mental illness services responsibilities



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4 1 between the two departments as described in this Act. The
4 2 target date for implementation shall be July 1, 2012. The
4 3 departments shall submit the plan, accompanied by appropriate
4 4 findings and recommendations, to the governor and general
4 5 assembly on or before December 1, 2011. The plan shall include
4 6 recommended legislation addressing statutory changes necessary
4 7 for implementation of the plan and of section 125.99, as
4 8 enacted by this Act.

4 9 3. The department of human services shall consult with
4 10 stakeholders, including counties and service consumers,
4 11 providers, and advocates, in proposing a schedule, funding
4 12 provisions, and other associated actions necessary for the
4 13 regional administration of adult mental retardation and
4 14 developmental disabilities services consistent with the
4 15 legislative intent stated in this Act. The target date for
4 16 implementation shall be July 1, 2013. The department shall
4 17 submit the plan, accompanied by appropriate findings and
4 18 recommendations, to the governor and general assembly on or
4 19 before December 1, 2012.

4 20 Sec. 3. NEW SECTION. 125.99 Mental health and substance
4 21 abuse treatment authority.

4 22 1. Notwithstanding section 225C.3 or any provision of law
4 23 to the contrary, effective July 1, 2011, the department is
4 24 designated as the state's adult mental health and substance
4 25 abuse services authority.

4 26 2. The authority shall do all of the following:

4 27 a. Develop a mental health and substance abuse services
4 28 infrastructure based on a business enterprise model and
4 29 designed to foster collaboration among all program stakeholders
4 30 by focusing on quality, integrity, and consistency.

4 31 b. Cost-effectively expand the availability of services for
4 32 those with a single mental illness or substance abuse disorder
4 33 and those with co-occurring disorders.

4 34 c. Form a close, collaborative relationship with the
4 35 Medicaid enterprise to effectively provide those services that



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5 1 are funded by the Medicaid program.
5 2 d. Provide leadership to align the other providers and
5 3 funders of mental illness and substance abuse services into
5 4 a coherent provider continuum of services, including but not
5 5 limited to all of the following services:
5 6 (1) County=funded transportation and other services.
5 7 (2) Hospital services.
5 8 (3) Court=ordered services.
5 9 (4) Services provided in connection with the justice
5 10 system.
5 11 (5) Services provided in connection with the state's
5 12 education systems for children and adults.
5 13 e. Identify and facilitate the development of a basic set of
5 14 services and other support to address the needs of adults with
5 15 mental illness and substance abuse problems.
5 16 f. (1) Develop a regional structure that is designed to
5 17 maintain county and other local investment and involvement
5 18 in addressing the needs of adults with mental illness and
5 19 substance abuse problems.
5 20 (2) The approaches considered in developing a delivery
5 21 system for meeting such needs shall include but are not limited
5 22 to adaptation of the physical health medical home model for
5 23 use in addressing mental health and substance abuse treatment
5 24 needs.
5 25 (3) The size of regions in the structure shall cover a
5 26 general population of at least three hundred thousand.
5 27 3. The recommendations, plans, implementation provisions,
5 28 and other actions taken by the authority and the stakeholders
5 29 working with the authority to implement this section shall
5 30 be guided by appropriate recognition of best practices,
5 31 departmental and service provider capacity, the diagnostic
5 32 criteria for the diseases and other conditions outlined in
5 33 the current edition of the diagnostic and statistical manual
5 34 of mental disorders published by the American psychiatric
5 35 association, and the value contributed by mental health and



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6 1 substance abuse professionals to the well-being of the citizens
6 2 of this state.

6 3 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
6 4 immediate importance, takes effect upon enactment.

6 5 EXPLANATION

6 6 This bill provides legislative findings, legislative
6 7 intent, and a planning process to reorganize state and county
6 8 responsibilities for provision and funding of services
6 9 for adults with mental illness, mental retardation, and
6 10 developmental disabilities.

6 11 New Code section 125.99 designates the department of
6 12 public health as the state's mental health and substance abuse
6 13 services authority for adults with mental illness and substance
6 14 abuse service needs. Under current law in Code section 225C.3,
6 15 the division of mental health and disability services of the
6 16 department of human services is designated as the state mental
6 17 health authority for federal purposes. Various planning and
6 18 implementation duties are specified for the department of
6 19 public health authority. A statement of guiding principles is
6 20 included. Another section of the bill requires the departments
6 21 of human services and public health to develop and submit a
6 22 plan for shifting responsibilities between the two departments.

6 23 The bill takes effect upon enactment.

LSB 1422XC (2) 84

jp/rj



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Senate Study Bill 1078

SENATE FILE
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON DEARDEN)

A BILL FOR

1 An Act relating to wind energy development and production.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1967XC (2) 84
rn/nh



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1 1 Section 1. NEW SECTION. 473.4 Wind energy goal.
1 2 The goal of this state is to maximize the development,
1 3 generation, and use of wind energy in this state by setting
1 4 forth the following wind energy goals:
1 5 1. At least ten gigawatts of all electricity produced in
1 6 this state shall be produced from wind energy by 2020.
1 7 2. At least twenty gigawatts of all electricity produced in
1 8 this state shall be produced from wind energy by 2030.
1 9 Sec. 2. Section 476B.5, subsection 4, Code 2011, is amended
1 10 to read as follows:
1 11 4. The maximum amount of nameplate generating capacity of
1 12 all qualified facilities the board may find eligible under
1 13 this chapter shall not exceed one hundred ~~fifty~~ megawatts of
1 14 nameplate generating capacity.
1 15 Sec. 3. Section 476C.1, subsection 6, paragraph d, Code
1 16 2011, is amended to read as follows:
1 17 d. Was initially placed into service on or after July 1,
1 18 2005, and before January 1, ~~2012~~ 2013.
1 19 Sec. 4. Section 476C.3, subsection 4, Code 2011, is amended
1 20 to read as follows:
1 21 4. The maximum amount of nameplate generating capacity
1 22 of all wind energy conversion facilities the board may find
1 23 eligible under this chapter shall not exceed three hundred
1 24 ~~thirty~~ ~~sixty=three~~ megawatts of nameplate generating capacity.
1 25 The maximum amount of energy production capacity equivalent of
1 26 all other facilities the board may find eligible under this
1 27 chapter shall not exceed a combined output of twenty megawatts
1 28 of nameplate generating capacity and one hundred sixty=seven
1 29 billion British thermal units of heat for a commercial
1 30 purpose. Of the maximum amount of energy production capacity
1 31 equivalent of all other facilities found eligible under this
1 32 chapter, fifty=five billion British thermal units of heat for a
1 33 commercial purpose shall be reserved for an eligible facility
1 34 that is a refuse conversion facility for processed, engineered
1 35 fuel from a multicounty solid waste management planning area.



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2 1 The maximum amount of energy production capacity the board
2 2 may find eligible for a single refuse conversion facility
2 3 is fifty=five billion British thermal units of heat for a
2 4 commercial purpose.

2 5 EXPLANATION

2 6 This bill relates to wind energy production and development.
2 7 The bill provides a general wind energy goal of maximizing
2 8 the development, generation, and use of wind energy in Iowa.
2 9 The bill further specifies the goals of producing at least 10
2 10 gigawatts of electricity from wind energy in Iowa by 2020,
2 11 increasing to at least 20 gigawatts by 2030.

2 12 The bill decreases the maximum amount of nameplate
2 13 generating capacity for all qualified facilities eligible for
2 14 the wind energy production tax credit specified in Code chapter
2 15 476B from 150 megawatts to 100 megawatts.

2 16 The bill extends the time period during which an eligible
2 17 renewable energy facility seeking to qualify for the renewable
2 18 energy tax credit in Code chapter 476C shall have been placed
2 19 in service by one year to before January 1, 2013.

2 20 The bill increases the maximum amount of nameplate
2 21 generating capacity for all wind energy conversion facilities
2 22 eligible for the renewable energy tax credit from 330 megawatts
2 23 to 363 megawatts, in recognition of a waiting list for receipt
2 24 of the tax credit as established in Code section 476C.3,
2 25 subsection 5.

LSB 1967XC (2) 84

rn/nh



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Senate Study Bill 1079

SENATE FILE
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON DEARDEN)

A BILL FOR

1 An Act relating to snowmobile registration and permit fees.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1966SC (2) 84
dea/nh



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1 1 Section 1. Section 321G.4, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. The owner of the snowmobile shall file an application
1 4 for registration with the department through a county recorder
1 5 in the manner established by the commission. The application
1 6 shall be completed by the owner and shall be accompanied by a
1 7 fee of ~~fifteen~~ thirty dollars and a writing fee as provided
1 8 in section 321G.27. A snowmobile shall not be registered by
1 9 the county recorder until the county recorder is presented
1 10 with receipts, bills of sale, or other satisfactory evidence
1 11 that the sales or use tax has been paid for the purchase of
1 12 the snowmobile or that the owner is exempt from paying the
1 13 tax. A snowmobile that has an expired registration certificate
1 14 from another state may be registered in this state upon proper
1 15 application, payment of all applicable registration and writing
1 16 fees, and payment of a penalty of five dollars.
1 17 Sec. 2. Section 321G.4A, subsection 2, Code 2011, is amended
1 18 to read as follows:
1 19 2. A county recorder or a license agent designated by the
1 20 director pursuant to section 483A.11 may issue user permits.
1 21 The fee for a user permit shall be ~~fifteen~~ twenty-five dollars
1 22 plus an administrative fee established by the commission. A
1 23 county recorder or a license agent shall retain a writing
1 24 fee from the sale of each user permit as provided in section
1 25 321G.27.
1 26 Sec. 3. Section 321G.6, subsections 1 and 4, Code 2011, are
1 27 amended to read as follows:
1 28 1. Every snowmobile registration certificate and
1 29 registration decal issued expires at midnight December 31
1 30 unless sooner terminated or discontinued in accordance with
1 31 this chapter or rules of the commission. After the first
1 32 day of September each year, an unregistered snowmobile
1 33 may be registered and a registration may be renewed in one
1 34 transaction. The fee is five dollars for the remainder of the
1 35 current year, in addition to the registration fee of ~~fifteen~~



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~~Senate Study Bill 1079 continued~~

~~2~~ ~~1~~ thirty dollars for the subsequent year beginning January 1, and
2 2 a writing fee as provided in section 321G.27.
2 3 4. A county recorder or a license agent designated by the
2 4 director pursuant to section 483A.11 may issue snowmobile
2 5 registration renewals electronically pursuant to rules adopted
2 6 by the commission. The fee for a registration renewal issued
2 7 using an electronic system is ~~fifteen~~ thirty dollars plus an
2 8 administrative fee established by the commission and a writing
2 9 fee as provided in section 321G.27.

2 10 EXPLANATION

2 11 This bill increases the annual fee for registration of
2 12 a snowmobile from \$15 to \$30. In addition, the fee for a
2 13 nonresident user permit is increased from \$15 to \$25.

2 14 Pursuant to current law, snowmobile registration fees
2 15 and permit fees are deposited in a special snowmobile fund
2 16 and appropriated to the department of natural resources for
2 17 snowmobile programs, with at least 50 percent of the moneys
2 18 available for political subdivisions and incorporated private
2 19 organizations.

2 20 Every snowmobile operated on public land or ice in the state
2 21 is required to be registered annually with the department,
2 22 except snowmobiles owned and used by the United States,
2 23 another state, or a political subdivision of another state
2 24 and snowmobiles used exclusively as farm implements. State
2 25 agencies and political subdivisions of this state are exempt
2 26 from payment of the annual registration fee.

LSB 1966SC (2) 84

dea/nh



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Senate Study Bill 1080

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to the membership of the medical assistance
2 advisory council.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2127XC (3) 84
pf/nh



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Senate Study Bill 1080 continued

PAG LIN

1 1 Section 1. Section 249A.4B, subsection 2, paragraph a, Code
1 2 2011, is amended by adding the following new subparagraph:
1 3 NEW SUBPARAGRAPH. (41) The Iowa dietetic association.

1 4 EXPLANATION

1 5 This bill adds a representative of the Iowa dietetic
1 6 association to the membership of the medical assistance
1 7 advisory council. The medical assistance advisory council was
1 8 created pursuant to federal law to advise the director of the
1 9 department of human services about health and medical care
1 10 services under the medical assistance program. The council
1 11 is authorized to meet no more than quarterly. An executive
1 12 committee of the council comprised of 11 members is authorized
1 13 to meet monthly.

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Senate Study Bill 1081

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to approval of pilot or demonstration research
2 projects in the practice of pharmacy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2164SC (3) 84
pf/nh



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Senate Study Bill 1081 continued

PAG LIN

1 1 Section 1. NEW SECTION. 155A.43 Pilot or demonstration
1 2 research projects ==== approval.

1 3 1. The board may approve pilot or demonstration research
1 4 projects of innovative applications in the practice of
1 5 pharmacy. The board shall adopt rules and procedures for
1 6 application for and approval of such projects. Any project
1 7 approved by the board shall comply with the rules and
1 8 procedures adopted for such projects.

1 9 2. The approval of a project may include the granting of
1 10 exceptions to any administrative rule under the purview of the
1 11 board of pharmacy, as necessary to complete the project, for
1 12 the duration of the project.

1 13 3. The board shall not approve any project that includes
1 14 therapeutic substitution or substitution of a medical device
1 15 used in patient care, or which expands the practice of pharmacy
1 16 as defined in section 155A.3.

1 17 EXPLANATION

1 18 This bill authorizes the board of pharmacy to approve pilot
1 19 or demonstration research projects of innovative applications
1 20 in the practice of pharmacy. The board must adopt rules and
1 21 procedures for application for and approval of such projects,
1 22 and any project approved must comply with the rules and
1 23 procedures adopted. The approval of a project may include
1 24 the granting of exceptions to any administrative rule under
1 25 the purview of the board of pharmacy necessary to complete
1 26 the project for the duration of the project. The board is
1 27 prohibited from approving any project that includes therapeutic
1 28 substitution or substitution of a medical device used in
1 29 patient care, or which expands the definition of the practice
1 30 of pharmacy.

LSB 2164SC (3) 84

pf/nh